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HOME-ALONE AMERICA
MARY EBERSTADT

THE PERILS OF PRECAUTION
HENRY I. MILLER AND GREGORY CONKO

EUROPE IN THE BALANCE
LEE A. CASEY AND DAVID B. RIVKIN JR.

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ALSO: ESSAYS AND REVIEWS BY
STANLEY KURTZ, KEITH E. WHITTINGTON,
AND LLOYD MACAULEY RICHARDSON

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POLICY *Review*

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- To collect the requisite sources of knowledge pertaining to economic, political, and social changes in societies at home and abroad, as well as to understand their causes and consequences
- To analyze the effects of government actions relating to public policy
- To generate, publish, and disseminate ideas that encourage positive policy formation using reasoned arguments and intellectual rigor, converting conceptual insights into practical initiatives judged to be beneficial to society
- To convey to the public, the media, lawmakers, and others an understanding of important public policy issues and to promote vigorous dialogue

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Policy Review: A Publication of the Hoover Institution

With this issue, *Policy Review* has become a publication of the Hoover Institution, Stanford University. Tod Lindberg, who in 1999 became editor of *Policy Review,* continues in that capacity, and has also been appointed research fellow at Hoover. The journal will continue to be based in Washington, D.C. — expanding the Hoover Institution's presence in the nation's capital.

When Herbert Hoover founded the institution in 1919, before going on to become the thirty-first president of the United States, he declared, "the Institution itself must constantly and dynamically point the road to peace, to personal freedom, and to the safeguards of the American system." In accordance with his vision, the Hoover Institution has adopted four principal objectives. These are to:

- Collect the requisite sources of knowledge pertaining to economic, political, and social changes in societies at home and abroad, as well as to understand their causes and consequences
- Analyze the effects of government actions relating to public policy
- Generate, publish, and disseminate ideas that encourage positive policy formation using reasoned arguments and intellectual rigor, converting conceptual insights into practical initiatives judged to be beneficial to society
- Convey to the public, the media, lawmakers, and others an understanding of important public policy issues and promote vigorous dialogue

For reasons that will be clear to readers of *Policy Review* over the past two years, the journal and the Hoover Institution are well matched. They

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share a commitment to free and rigorous inquiry into the American condition, into the workings of government and of our political and economic systems and those of others, and into the role of the United States in the world. They both bring together scholars with an interest in current affairs and journalists interested in exploring our world in greater depth. They both take up topics not as exercises in theory, but for the purpose of better understanding the world and the betterment of people's lives. They both are committed to civil discourse, the airing of reasoned disagreement, and a vigorous and open debate. They both are diligently independent, not least in affirming and guarding the independence of those associated with them in the community of informed discussion.

As the Hoover Institution has been a premier home for serious scholars, so *Policy Review* has been a premier vehicle for serious writers and thinkers. As an editorially independent publication of the Hoover Institution, *Policy Review* will both draw on the intellectual resources of the institution and bring new people into contact with it, exponentially expanding serious dialogue about politics and policy.

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Home-Alone America

By Mary Eberstadt

In early March, when the latest teenage killer to make national news opened fire in a high school near San Diego with the deadliest display of such violence since the murders at Columbine two years ago, the usual public scramble for explanations of his behavior followed true to what a sociologist would call "cultural script." The *New York Times* weighed in immediately with a stern editorial about "Guns in Young Hands," urging President Bush to take serious action — or at least what the *Times* means by serious — namely to convene a White House conference on teen violence. Reporters from the news services fanned out across the country to interview as many acquaintances of the killer as they could lay cameras on — most of which witnesses, as has likewise become customary, would earnestly testify that nothing about the boy ever seemed amiss. Also true to form, a disproportionate share of the "blame" for the young killer's actions was deposited not quite at his own feet ("an obviously troubled young teenager," as the *Washington Post* editorialized and just about all other sources agreed), nor at those of the adults around him, but rather upon his peers — the bullies who tormented him, the acquaintances who dismissed his threats to "bring the school down" as idle boasts, the fellow drinkers at a party the weekend before who had heard the killer say he had a gun he was taking to school and did nothing about it.

Mary Eberstadt is consulting editor to Policy Review.

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In fact, in what appears to have become cultural routine in these matters, just about every detail of the case would turn out to be reported and analyzed at length, with the *New York Times* even waxing lyrical about a "Joan Didion world of dropouts and tough teenagers." Every detail, that is, but one — that, as the *Washington Post* did manage to relay deep into a story on the teenager's clueless friends, "[He] was known as a latch-key child who often ate dinner and slept over at friends' homes." Piecemeal, in various reports and in a handful of opinion columns, other details of the killer's family life and lack of it filled in the blanks. The child of a decade-old divorce, he had resided, loosely speaking, with his father in California. He was a boy left largely to his own devices, who slept elsewhere much of the time, who called his friends' mothers "Mom." He had spent the preceding summer with neither parent, but instead in Knoxville, Md., with the family of former neighbors there. His mother, distraught and horrified by events as any mother would be, was giving her anguished interviews from behind a closed door where she herself lived — on the other side of the country, in South Carolina.

The reason why so little was made of what would once have been judged meaningful facts — that this latest killer was one more unsupervised, motherless boy — is not elusive. Of all the explosive subjects in America today, none is as cordoned off, as surrounded by rhetorical landmines, as the question of whether and just how much children need their parents — especially their mothers. The reasons for this cultural code of silence are twofold. One is the fact that divorce, which is now so widespread that nearly everyone is personally affected by it in one way or another, is so close to qualifying as the national norm that a sizeable majority of Americans have tacitly, but nonetheless decidedly, placed the whole phenomenon beyond public judgment.[1] Moreover, for all that divorce itself shows signs of leveling off at its current (albeit unprecedented) rate, illegitimacy, for its part, continues to rise. Putting these two facts together — divorce and out-of wedlock births — means that the country is guaranteed a steady quotient of single-parent, which is to say, often absent-parent, homes. The fact that many of the

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[1] There are signs, all quite recent, that this hands-off public attitude toward divorce may be shifting, at least when children are involved. In particular, the fair hearing now being accorded to the decades-long work of Judith Wallerstein — who pioneered the idea that divorce has emotional effects on subsequent generations — is at least symbolically significant, and perhaps more than that. Similarly, at the level of policy, efforts to change no-fault divorce laws (whose punitive effects on mothers make such laws a particularly dubious achievement of feminism) appear to have been reinvigorated by the latest election results. But whether these and like changes amount to tinkering with something that works, or whether they will instead prove to be the beginning of a major change in the way Americans view divorce, is a judgment impossible to make without further evidence.

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women now heading those homes would choose otherwise if they could means that public sympathy and private compassion, including the desire not to add to their already heavy burden by criticizing any aspect of how they handle it, quite naturally go out to them.

The second fact of life that constrains public discussion of just what and how much children need is, of course, the exodus of women — meaning mothers, both divorced and otherwise — out of the home and into the workplace. Like divorce, but even more so, this massive and unprecedented experiment in mother-child separation is essentially off-limits for public debate. Again, the reason why is plain to see. At a time when a good many households include working mothers, and a good many people benefit from their work, whether financially in the household or via their companionship and productivity in the workplace itself, public and private circumspection on the question of how all these absences *taken together* are affecting American children obviously runs deep. The combination of individual compassion for the circumstances in which many adults find themselves, alongside the profound desire to see no evil, whether in one's own home or anyone else's, has produced a modern social prohibition of almost primeval force. And as the example of the latest high school shootings proves, so powerful is this prohibition against questioning anything that a parent might want to do that it will hold firm even in the wake of a sensational killing spree.

The San Diego killer is only the latest such celebrity verifiable as a home-alone child.

Even so, the record ought also to reflect the fact that the San Diego killer is only the latest such celebrity verifiable as a home-alone child. In fact, in a striking coincidence unremarked upon anywhere else, the other mass murderer most in the news this year had a childhood background in broad strokes identical to that of the San Diego killer: a parental divorce in middle childhood, after which the mother abandoned boy and husband to move across the country when the child was 15, leaving behind a teenager whose father worked nights and who spent most of his time either unsupervised or in other people's homes. That would be Timothy McVeigh. Another entrant in the same general category would be the late cannibal-murderer Jeffrey Dahmer, whose evil habits developed as a teenager when his parents divorced — also when he was 15 years old — and he was abandoned by his mother *and* father to live alone in the house for a year before being retrieved. Also consistent with this pattern of adolescent abandonment, of course, is the slew of suburban teenage killers offered up by the last several years who had likewise been left on their own de facto if not always de jure — boys who spent all their spare time in dark corners of the internet, who acquired and assembled war-worthy weapons in their suburban garages and bedrooms, who threatened neighbors, tortured animals, read and wrote

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obsessively about suicide and murder, and who otherwise did all but broadcast from the rooftops what are technically known as "warning signals" — if, and this appears to be a major qualification, anyone besides like-minded cronies had been around to notice them.

Statistically speaking, of course, few latchkey children grow up to be murderers. Yet beneath the public anxiety provoked by every such savage who takes the stage, beneath even the ritual media cycle that follows the recorded-for-television atrocities, lies an element of unspoken truth about the link between these adolescent outcasts and the rest of society. This is the fear shared by much of the adult world that perhaps the kids aren't all right after all — that perhaps the decades-long experiment in leaving more and more of them to fend for themselves, whether for the sake of material betterment, career fulfillment, marital satisfaction, or other deep adult desires, has finally run amok. What troubles the public mind about these killers is not that they seem anomalous, but precisely that they might be emblematic. And the reason for this apprehension is essentially correct — in important ways, their lives have been indistinguishable from those of many other American children. Most, in virtue of their times, are part of the same trend that has been building for decades now throughout Amerian society — the trend of leaving children increasingly to their own and their peers' devices, bereft of adult, and particularly parental, attention.

This fear in the popular imagination is more than matched by related misgivings in the social-scientific literature about the same trend. For even as social science strives to discern the implications of this same momentous change in American domestic life, it is haunted by a question lurking just below the surface of all such efforts — the question of what is happening to the children and adolescents still bound, legally and otherwise, to all those homes lately emptied of parental presence. To ask what scholars and theorists are turning up about the state of American youth is to invite a barrage of depressing statistical information on mental problems, child abuse, drug and alcohol use, educational backwardness and more. The essence of home-alone America is just this: Over the past few decades, more and more parents have been spending less and less time at home, and most measures of what social scientists call "child well-being" have simultanuously been in what once would have been judged scandalous decline.

Out for good?

THE FIRST THING SOCIAL science confirms about contemporary home life is that the so-called "mommy wars" of the last couple of decades — that long-running ideological contest between feminists and their critics for the hearts and minds of American mothers — have ended, at least for the time being, in stalemate.

This is not to say that further argument on the subject of who, if anyone,

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is rearing today's children has thereby been rendered pointless. Nor is it to say that the evidence of what has happened in American homes and families as a consequence can now be ignored. Rather, to say that stalemate reigns is to acknowledge that while the ideological generals, as it were, have continued fighting it out in the field, the troops themselves have steadily gone AWOL. "Among married women with pre-school children under the age of six," as Andrew Hacker recently summarized the Census Bureau numbers in the *New York Review of Books*, "fully seven in ten now have paid employment." Of course not all those women are working full-time, and some are not even leaving home at all — important distinctions that demand to be taken into account, though they often are not. At the same time, there is no arguing with Hacker's general point that what these numbers represent is "a new approach to motherhood," one in which "most [women] are disinclined to make caring for their children their primary occupation."

Alongside this change, of course, has come another of equal significance, and that is the near-total cultural about-face in the way society views working motherhood. Once, as has been widely noted, staying home with one's children was judged the right thing to do, both intrinsically and for reasons of the greater good, by mothers, fathers, and most of the rest of society. Today, the social expectations are exactly reversed. And though one hears occasionally of contrarian decisions, usually in the form of "lifestyle" pieces on a "boomlet" among better-off mothers who have decided to stay home with their young, these are small pools of conscious resistance deluged by the larger social tide. The reality of the situation, as David Gelernter observed in *Commentary* four years ago, is that "Except for a few benighted precincts (the Mormon church, parts of the Orthodox Jewish community, parts of the Christian Right), society from Left to Right is lined up in force behind the idea of mothers taking jobs."

A third fact crucial to understanding home-alone America is that a significant portion of those mothers are out of the home not because events compel them to be, but because they prefer to arrange their lives that way.[2] Here is where a genuine cultural revolution in motherhood can be said to have occurred. It is of course true, and has been true for all time, that significant numbers of women do leave children at home out of genuine necessity, whether for reasons of poverty, divorce, failure to marry in the first place, low educational attainment, and other familiar constraining facts of life. From indicative earlier literature like *Little Women* and the *Five Little Peppers* to the many more human examples in our own time, including the Third World nannies who leave their own families in order to raise the bet-

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[2] For years, of course, feminists and their allies insisted otherwise. In fact, their explanation was frequently incoherent — arguing simultaneously that women work outside the home because they "must," and also that they prefer things that way.

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ter-off children of the First World, mothers in extremis have been forced by necessity to find outside employment. By definition, however, those mothers have left those children reluctantly and would do otherwise if they could so choose; and therefore they are not and never have been part of the "mommy war" debate.

Yet just as it is obvious that many women work because they must, it is also obvious that genuine material constraints do not begin to account for our contemporary rate of maternal absence — far from it. To quote David Gelernter again, "The economic-necessity argument hits home with a nice solid thunk. Yet ultimately it makes no sense: as a nation we used to be a lot poorer, and women used to stay home."

Indeed: If the latest social science analyses prove anything, it is that more and more women are working outside the home not because they "must," but because they prefer to spend those hours there — and are increasingly inclined to acknowledge the fact. "Must" and "need," as anyone knows, are exceedingly elastic concepts where individual desires are concerned; as Andrew Hacker notes of the Census Bureau statistics, and as anyone fortunate enough to inhabit the country's better-off neighborhoods and towns will know, "what some people define as needs can call for incomes rising into six figures." Even so, the notion that all or most of those mothers, too, are working because they "must" is confuted by other findings, to say nothing of common sense. For as Hacker also reports and as other sources affirm, "more than half of employed women say they would continue working even if their families didn't need the money."

Sociologist Arlie Russell Hochschild's important 1997 study, *The Time Bind: When Work Becomes Home and Home Becomes Work*, elaborates and confirms the point that outside employment is increasingly attractive in its own right, perhaps especially to harried mothers. In that book, the most serious attempt yet to describe what really lies behind the numbers on working motherhood, Hochschild observes that for many women, "The emotional magnets beneath home and workplace are in the process of being reversed." Faced with the endemic uncertainties and boundless chores of domestic life, many adults, male and female, end up preferring what Hochschild calls the "managed cheer" of work. Modern office life, she argues, not only competes with the home as "haven in a heartless world," in the phrase popularized by Christopher Lasch; for many women (and men), it partially or fully *supplants* the hearth, offering simpler emotional involvements, more solvable tasks, and often a more companionable and appreciative class of people than those waiting at home.

Yet another observation by Hochschild, Hacker, and others familiar with the data — that the higher up the socioeconomic ladder one goes, the *more* likely are mothers with young children to leave home — serves to clinch the point that the decision to leave one's child in the care of others for the majority of his waking hours is more and more just that — a decision, a genuine personal choice. As reporter and mother Marjorie Williams put it

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recently in an unusually candid statement in the *Washington Post*, maintaining her career has meant "learn[ing] how to live with the knowledge that in pursuing my work, I am to some degree acting selfishly. . . . Guilt, I now think, is the tribute that autonomy pays to love."

This same point — that when mothers really can make the choice to leave home, they will — is also underlined by an observation Hochschild makes about the particular corporation she scrutinized in *The Time Bind*. Like many modern companies, "Amerco" experimented with family-friendly policies to keep working mothers (and fathers) content. To the firm's surprise and hers, however, "Programs that allowed parents to work undistracted by family concerns were endlessly in demand, while policies offering shorter hours that allowed workers more free or family time languished." Broadening the point to include work by economist Ellen Galinsky, Hochschild concludes: "such studies . . . imply that working families aren't using family-friendly policies in large part because they aren't *asking* to use them, and they aren't asking for them because they haven't formulated a need urgent enough."

This voluntary, increasingly self-conscious maternal absenteeism from home, on a scale that is historically without precedent, is, as social scientists of all stripes agree, among the most important realities of our time. To Francis Fukuyama in *The Great Disruption*, it is one of the two most significant facts of the age (the other being the Pill). In *Bowling Alone: The Collapse and Revival of American Community*, Robert D. Putnam agrees that "the movement of women out of the home into the paid labor force is the most portentous social change of the last century." "It represents a radical change in cultural attitudes toward motherhood and child-rearing" (researcher Brian C. Robertson in his recent book, *There's No Place Like Work*). It is "a massively important fact" (Harvard economist Richard T. Gill in his 1997 *Posterity Lost: Progress, Ideology, and the Decline of the American Family*), one which "represents a new American ethic, a clear-cut change in direction" (scientist and social critic David Gelernter again). To begin to understand home-alone America is to recognize this critical fact: Many, many mothers themselves positively prefer the status quo — just one of whose benefits, as Andrew Hacker formulates it, is "not having to spend a greater part of your day diverting a small child."

Pathologies, induced and acquired

THE SECOND THING that recent social science makes plain is that the connection between empty homes on today's scale and childhood problems on today's scale cannot possibly be dismissed as a coincidence. For some time, the data have been there for all to see, the dots fairly demanding to be connected. As Francis Fukuyama put it simply in *The Great Disruption*, "there have been losses accompanying the

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gains [of mothers' entry into the workplace], and those losses have fallen disproportionately on the shoulders of children." What he and other familiar with the data understand is what education authority William Damon observed in his book *Greater Expectations* four years ago — that "Practically all the indicators of youth health and behavior have declined year by year for well over a generation. None has improved. *The litany is now so well-known that it is losing its power to shock* [emphasis added]."

Consider a phenomenon that can accurately be described as one of the more tragic social developments of our time. That is the ongoing rise in teenage suicide rates — a development not only without precedent, but also without systematic explanation.

One does not have to read Durkheim to see the isolation writ large in these numbers.

However one interprets the numbers and whichever sources one peruses, the *fact* of dramatic increase here is beyond dispute. Richard Gill, citing long-term studies by the Fordham Institute, writes in *Posterity Lost* that the "teen suicide rate increased more than three fold between 1960 and 1990." Similarly, both Mary Pipher's influential feminist study, *Reviving Ophelia*, and Christina Hoff Sommers' anti-feminist *The War Against Boys* agree about this: that the suicide rate for girls aged 10 to 14 rose 27 percent between 1979 and 1988 (Sommers adds that the increase for boys was even more shocking, rising 71 percent). In *Bowling Alone*, Putnam uses figures from the U.S. Public Health Service and other sources to put the point in arresting historical terms — that "Americans born and raised in the 1970s and 1980s were three to four times more likely to commit suicide as people that age had been at mid-century."

What makes this bleak development the more baffling, of course, is that there is no corresponding rise in poverty over these periods — quite the opposite — and little in the way of any other external evidence to suggest why the materially best-off adolescents on earth are killing themselves at such shocking rates. One speculation of note has been suggested, though: It is, to quote Putnam again, "social isolation." His citation is to *The Ambitious Generation*, a recent book by educational sociologists Barbara Schneider and David Stevenson. In it, the authors report from Sloan Foundation studies that the average American teenager spends about three and a half hours alone every day; and that, perhaps even more breathtaking, "adolescents spend more time alone than with family and friends." One does not have to read Durkheim to see the isolation writ large in these numbers, or to speculate about the effects of such endemic isolation on a chronically melancholic adolescent temperament.

What is true for suicide is also apparently true of lower-intensity mental problems as well. In January 2001, the surgeon general issued a report

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declaring that the United States is facing nothing less than "a public crisis in mental care for children and adolescents." Far from being in advance of professional sentiment, this announcement was instead reflecting it; some 300 mental health professionals were enlisted in the conference before its drafting, as were the recommendations of three major federal agencies (HHS, the Department of Education, and the Department of Justice). What alarms these and others in the field is the sharp upswing in diagnosed disorders, particularly "conduct disorders" among teen and preteen boys, that are now widely believed to characterize many millions of American children.

One need not uncritically accept the controversial diagnostic claims behind such numbers to see that something significant is being reflected in them. For whether there is indeed a genuine outbreak of "conduct disorder" in the young, or whether this "outbreak" is instead more a consequence of social change than a cause of it, the fact remains that *something* is happening among youth nationwide which is manifestly bringing an awful lot of unhappy children and adolescents to medical attention. Whether society and parents are less tolerant in our postmodern age to the young and vulnerable (as some social critics argue), or whether instead children and adolescents are afflicted with problems only recently susceptible to diagnosis and treatment (as advocates of drugs like Ritalin believe), is an argument to be settled elsewhere. What *can* be observed here is one highly suggestive fact: that the explosion in conduct disorders has occurred in tandem with the reorienting of many adults — not only any given child's own parents, but his friends' parents and his neighbors and relatives too — away from home and toward the workplace.

Consider also the statistics on child sexual abuse.[3] "The number of substantiated cases of sexual abuse," academic authority Douglas Besharov reports, "rose tenfold, from about 13,000 in 1975 to over 130,000 in 1986." Writing in 1997, Patrick Fagan of the Heritage Foundation used other data — from studies conducted by the National Center on Child Abuse and Neglect of the U.S. Department of Health and Human Services — to arrive at the following figure: child sexual abuse has "increased by 350% since 1980."

Though part of the increase in these numbers is of course due to changes in reporting laws governing physicians and other professionals, there is also

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[3] Not too long ago, as readers will be aware, the rapidly increasing numbers of reported abuse cases was a central concern of both policymakers and the public — a concern that appears to have waned in the late 1980s, as a backlash against documented cases of the falsely accused got underway. Though justified in numerous particular cases, that same backlash also suggested to some that the problem itself had been overblown. In this case, however, blaming the media proved unjustified. For any way one looks at them, and regardless of who is doing the looking, the underlying facts of child sexual abuse in America remain horrific.

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no doubt the same numbers would have been rising independent of those changes. Child sexual abuse at contemporary levels, as anyone who follows the data will agree, is tragic. And here, too, a connection to home-alone America seems undeniable. For while children do risk abuse at the hands of biological parents, they are *much* more likely to be abused by a cohabiting male who is not biologically related. This is why many analysts, such as Patrick Fagan and David Blankenhorn (*Fatherless America*), tend to focus on the relationship between abuse and single parenthood, or abuse and divorce (one English study, for example, found that girls in single-parent households were *33 times* more likely to be abused). It is no disservice to their efforts to emphasize what their work also shows — that in order for predatory males (and they are almost always males) to abuse, they must first have access; and that the increasing absence from home of biological mothers — who statistically speaking almost never violate children in this way — effectively increases the access of would-be predators.

More details on the "parent-free home"

YET ANOTHER proposition to which social science now gives near-unanimous consent is this: Overall child welfare is not only declining as measured by statistics like those on the obvious cases of child abuse and suicide and mental health, but also by more ephemeral measures.

One such is the matter of parental attention. Economist Victor Fuchs, who is cited by numerous analysts on this point, has estimated that "between 1960 and 1986, parental time available to children per week fell ten hours in white households and twelve hours in black [Arlie Hochschild's formulation]." Citing the work of two other economists, Harvard's Richard Gill writes similarly that "It is estimated that between 1965 and the late 1980s, the amount of time the average American child spent interacting with a parent (either mother or father) dropped by 43 percent — from around thirty hours a week to around seventeen."

Absent adults are also the sine qua non of another social phenomenon whose impact has only increased with time, whether it remains on the front pages of news magazines or not. This is the case of latchkey children, defined here (as in Census Bureau literature) as those aged 5 to 14 who "care for self" outside of school. As Hochschild puts it, "most researchers agree that what was once called 'the plight of latchkey kids' is now, in fact, a major problem." Most estimates of the nationwide number of such children fall in the range of 5 million to 10 million, though Gill, for example, notes that some go as high as 15 million. Yet even estimates on the low end suggest a public problem of serious proportions. The Census Bureau in 1994, to take another example, estimated that roughly a fifth of the total age group in question were "latchkey children," or some 4.5 million.

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Certain unmistakable consequences follow from this autonomy. As Hochschild reports, for example, "a study of nearly five thousand eighth-graders and their parents found that children who were home alone for eleven or more hours a week were three times more likely than other children to abuse alcohol, tobacco or marijuana." Plenty of other studies attest to the same sorts of connections between an empty nest in the after-school hours — empty, that is, of adults — and the sorts of activities that adolescents will try to get away with when no one censorious is watching: drinking, smoking, drug-taking, and, of course, sex. There is also the related question of what those hours of uninterrupted access to the violence and pornography of the internet are doing to adolescents nationwide — a question only beginning to be studied, but whose seriousness is attested to by swelling ranks of school officials and therapists, in particular.[4]

In another development that should perhaps come as no great surprise, the increasingly younger ages at which sexual activity begins have coincided directly with the increasing absence of adults from the home. This ongoing sexualization of young adolescents is also borne out by the numbers. According to the Council of Economic Advisors in a major study published in May 2000, for example, "data from the National Survey of Family Growth shows that in 1988, 11 percent of girls under the age of 15 had had sex. In 1995, this fraction had increased to 19 percent." The National Center for Health Statistics similarly estimates that by the age of 15, one-third of girls have had sex, compared with less than 5 percent in 1970. The trends in sexually transmitted diseases among the young are simply horrific.[5] In fact, it is hard to find a report, statistical or anecdotal, that does not confirm the trend toward earlier sexual activity across class, race, and sex.

A deeper meaning of the latchkey phenomenon may be this: Parents who can barely be on hand for real emergencies can hardly be expected to stay apprised of the many lower-intensity conflicts that are routine facts of childhood and adolescence. The parent-free home, by necessity, defines "emergency" up, rather than down. In *The Time Bind*, again, Hochschild captures just this, writing of the employed parents of "Amerco" that "while medical emergencies were fairly clear-cut, the difficult issue of what might be called

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[4] See, for example, Holman W. Jenkins Jr.'s "Pornography, Main Street to Wall Street," in the February-March edition of *Policy Review*.

[5] According to widely used sources like the Kaiser Family Foundation and the Guttmacher Institute, for example, some 3 million teenagers are infected with a sexually transmitted disease each year, and chlamydia in particular — which has been linked in women to both infertility and certain forms of cancer — is actually *more* common among teenagers than among adult men or women.

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semichronic problems — children who were depressed, failing in their studies, isolated, or hanging around with the wrong kids — which cried out for more parental time and attention, were rarely raised at all."[6]

Conversely, of course, the presence of an adult in the home when children are there makes intervention of all kinds more likely. Forget, for the sake of argument, about the influence of parents on long-term personality, career prospects, cognitive development, and the rest. Assume, even, that parents have only a negligible effect on all long-range outcomes, as contrarian critic Judith Rich Harris argued in her explosive 1998 book *The Nurture Assumption*. The fact still remains that a parental or other adult presence in the house is nevertheless a presence much preferable to its absence, *if only because that presence exercises a day-to-day chilling effect on adolescent impulses*.

Here too, social science verifies what common sense might suggest. Robert Putnam, for example, cites a widely-discussed 1980 article in *Child Development* about child maltreatment in two socioeconomically similar neighborhoods. One finding was that "kids in low-risk neighborhoods were more than three times as likely as kids in high-risk areas to find a parent home after school." Similarly, in the aforementioned much-publicized recent study by the Council of Economic Advisors, the chief conclusion was that "significant differences were noted between teens who eat dinner with their parents at least five times a week and teens who do not." Those with parent(s) at the table were said to have half the risk for drinking, somewhat less the risk for smoking, half the risk for marijuana use, half the risk for suicide attempts, and so on.

It is of course absurd to infer — as some commentators dutifully did — that eating dinner as a family confers talismanic benefits, whether to teenagers or anyone else. But it is equally absurd to ignore, as the authors of the study itself did, the elementary meaning of the results. Whatever else goes on in the dinner-eating statistics, being at the table means that somebody — namely an adult somebody whose mere presence in the place makes certain activities more problematic than they would be otherwise — is actu-

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[6] Hochschild's book offers many examples. In one typical household, "the children were on an elaborate Rube Goldberg assembly line of child care, continually sent from one 'workstation' to the next." She is also unflinching in reporting how parents squeezed for time because of work end up "outsourcing" even the smallest of once-domestic chores (for example, haircutters who visit the day care center). Also profiting, she reports, is a burgeoning "self-care" industry armed with books and pamphlets for anxious parents with titles like "Teaching Your Child to be Home Alone" and "I Can Take Care of Myself." She concludes that "many of today's children may suffer from a parental desire for reassurance that they are free of needs" and describes a "childhood of long waits for absent parents."

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ally *there* to exercise such influence, however tacit, occasional, or even unintentional it may be.

Work *v.* homework

A FINAL POSSIBILITY just beginning to emerge from the evidence is, if anything, perhaps even more politically and socially loaded. It is the possibility of a connection between parental absenteeism and the consistently mediocre performance of American students.

Nothing, of course, could be more familiar than the idea that American education badly needs reform. In the words of an emblematic recent *New York Times* headline, "Students in U.S. Do Not Keep Up In Global Tests." In this particular study, as in numerous others over the years, 9,000 tested eighth graders demonstrated again what critics have long complained about — that American students lag their international peers in advanced countries by significant margins, and that the gap in science and math especially grows wider as the student ages. As readers will know, also over the years many different explanations — demographic, sociological, pedagogical, economic — have been offered for this gap, and many reforms, from charter schools to vouchers and the rest, devised to address it.

One possible explanation that has *not* enjoyed wide circulation is the one dictated by Ockham's razor: that many children need help and supervision with their homework, that in many homes nobody is there to provide that kind of support after school, that some children are physically ready for sleep, not study, by the time their parents return home, and that preoccupied adults who do find themselves supervising homework after a long and busy day away may be understandably less than efficient and patient about it. And yet all of these are facts so plainly related to school achievement that educators themselves are beginning to acknowledge the connections, if only because it is they who are frequently blamed for the consequences.

Not long ago, for example, the *New York Times* published an interesting short piece by Richard Rothstein, "Add Social Changes to the Factors Affecting Declining Test Scores." In it, the director of the Iowa Department of Education "speculates that even greater social change may be a factor. . . . With parents less available, children may get less support at home for learning, Mr. Stillwell surmises." The same report also mentioned a problem now familiar to many teachers, namely the shrinking number of parents available for schoolday events — from conferences to field trips to class parties to volunteer work to sudden developments requiring parental attention. As a teacher with 18 years' experience in Iowa observed, "This year, in her class of 23, there are only three mothers she can phone at home if a problem arises during school."

This same point — that today's parents as a whole simply are not as available for school and school activities as educational success may require —

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suggests itself even more emphatically if certain comparative facts are taken into account. Much has been made, for example, of Asian students' overall superiority on standardized tests and other academic endeavors, and much has been written about the factors cultural, economic, and even (witness *The Bell Curve*) psychometric that are argued to account for this difference. But little has been said publicly about a factor requiring no theory whatsoever — that, as Fukuyama has noted, and as those familiar with Japan and Korea, for example, will already know, "part of the reason that children in both societies do so well on international tests has to do with the investments their mothers make in their educations."

Another piece of suggestive evidence linking parental absence to school outcomes appears in *The Widening Gap: Why America's Working Families Are in Jeopardy and What Can Be Done About It*, a recent book by Harvard School of Public Health researcher Jody Heymann. In a study of 1,623 children, she "found that a parental absence between 6 and 9 p.m. was particularly harmful. For every hour a parent worked during that interval, a child was 16 percent more likely to score in the bottom quarter of a standardized math test. . . . *The results held true even after taking into account family income, parental education, marital status, the child's gender and the total number of hours the parents worked* [emphasis added]."

From praxis to theory

ONE REASON WHY the problems of home-alone America appear to be intractable is that, despite all the data, few writers acquainted with the facts have cared to do more than describe them and move on. Their reticence is understandable, as the handful of critics who have ventured into these troubled waters know well. As Richard Gill has observed, for example, "The claim that any mother anywhere is harming her child by virtue of her full-time job or career is probably the claim most violently rejected by supporters of the present status quo." Likewise, as Brian C. Robertson notes, "A good deal of the neglect [of the data on child and adolescent problems], no doubt, derives from the reluctance . . . of many academics and opinion leaders to be seen as hostile to the social advancement of women."

At the same time, however, it is difficult to imagine the status quo changing without the countervailing pressure of a substantial body of argument. Over the past decade, to take a related example, there has been a quiet, significant, and utterly unexpected revision in the literature on another once-sacrosanct subject, single parenthood. Not so long ago — just 10 or so years ago — to oppose the idea that one parent was as good as two was to invite ridicule, as Vice President Quayle famously found. Yet today it is hard to think of a public figure who has *not* volunteered, in one form or another, an opinion on single parenthood more akin to Quayle's than to his critics.

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This evolution in thought did not come about because of any rightward drift in the populace, but rather by the steady accretion of evidence testifying to the connections between single parenthood and child problems — Barbara Defoe Whitehead's famous 1993 *Atlantic Monthly* piece (followed by a book) entitled "Dan Quayle was Right"; David Blankenhorn's *Fatherless America*; Sylvia Ann Hewlett's *When the Bough Breaks*, and a host of other revisionist books and articles up to and including Linda Waite and Maggie Gallagher's emblematic and controversial recent work, *The Case for Marriage*. But perhaps the preeminent scholar in this reconfiguring of debate, again, has been the psychologist Judith Wallerstein, whose studies of the effects of divorce have turned out to resonate emotionally more than all the available longitudinal data. As *New Republic* writer and editor Margaret Talbott put it recently in the *New York Times Book Review* in what amounted to an unexpected statement of vindication for Wallerstein's work, "She, more than anyone else, has made us face the truth that a divorce can free one or both parents to start a new and more helpful life and still hurt their children."

Home-alone America, by contrast, has no such body of opposing thought toward which actual or would-be reformers might turn, though exceptions are beginning to appear. In a brilliant short book published in 1999, for example, Kay S. Hymowitz broke particularly important theoretical ground. She examined the state of American childhood not from the bottom but from the top — at the level of the numerous contemporary theories that have served to justify parental disengagement. *Ready or Not: Why Treating Children as Small Adults Endangers their Future — and Ours* outlined how, in field after field (law, education, psychology both popular and academic), the past 30 years have seen a transformation in the way children are perceived and portrayed — one that that deemphasizes adult guidance and authority, while simultaneously ultraemphasizing the intrinsic capacities of the child in the absence of such guidance.[7] Uniting all these apparently disparate theories, she demonstrated, is "the idea of children as capable, rational, and autonomous, as beings endowed with all the qualities necessary for

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[7] According to the progressive and neoprogressive theories dominant in education, for example, children are self-motivated, inherently cooperative "learners" who will "invent" their own "strategies" on impulse. The idea of the self-sufficient child — even the self-sufficient baby and toddler — is also ingrained in current psychology. Experts from Piaget onward have stressed the rational, competent, information-processing of the child, writing off any friction with this happy scenario to "developmental stages." Influenced partly by such theories, forward-looking legal theorists — Hillary Rodham Clinton, among many others — have also stressed the autonomy and rights of the child against those of the parents (a movement driven particularly, as Hymowitz argued, by the political desire to allow minors easy access to abortion).

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their entrance into the adult world — qualities such as talents, interests, values, conscience and a conscious sense of themselves."

In another important book published a year later, Christina Hoff Sommers added further evidence to what Hymowitz called the "anti-cultural" character of these theories. In *The War Against Boys*, Sommers examined in detail the effects of feminist theories of education on modern boyhood. Like Hymowitz, Sommers reviewed the depressing trends in teen behavior, including suicide rates, anxiety and depression rates, drug-taking both prescribed and illicit, educational failure, and the rest. Like Hymowitz, she also concluded that children — specifically, boy children — are being harmed by theories now dominant in educational and therapeutic circles and inimical to (male) human nature. For all her emphasis on theory, however, Sommers also did not hesitate to offer a real-life explanation for why such counterintuitive ideas about male children have been allowed to take root in the first place. The larger reason why boys in particular have come to be widely regarded as a "problem," she charged memorably, is that "there are now large numbers of adults who have defected altogether from the central task of civilizing the children in their care, leaving them to fend for themselves."

Important as these and other efforts have been, however, they face enormous competition from exactly the sources Hymowitz enumerated — the towering stack of books, both expert and popular, that give people advice about and justification for hands-off parenting. Almost all leading cultural authorities, including the American Academy of Pediatrics, have managed a good word for the putative benefits of "early socialization," which is to say, nonparental child-rearing. The country's leading popular child-care experts have revised downward over the years their views on just how much young children need their mothers — with every single one concluding that children need less of their mothers' time and presence than was previously thought, not more.[8] Then there is the literature for children themselves, some of it detailed in Hochschild's *The Time Bind* and much of it available in bookstores, which emphasizes parental needs and resolutely draws a happy face over children's longings — from pamphlets exhorting those too young to tie their shoes to "independence" to the stories and articles and self-help columns sharing the message that the happy and fulfilled (i.e., less encumbered) parent is also the better parent.

And, of course, there are the letter-writers and reporters and opinion leaders who will rise in opposition to any study that impinges on parental (i.e., maternal) autonomy. Consider the response to a recent and much publicized study of day care by the National Institute on Child Health and Human

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[8] For a review of these changes in the literature, see my article "Putting Children Last" in the May 1995 edition of *Commentary*.

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Development. Its data suggested a link between time spent in day care and instances of aggression emerging at kindergarten age. Many critics immediately proffered in harsh terms the counterargument that the "aggression" cited was within normal bounds. Yet as Stanley Kurtz of the Hudson Institute has noted, the implications of the study may be even *worse* than feared. As he observed, "chances are, if a significant percentage of children in day care evidence clear behavioral problems, or show up as insecurely attached to their mothers, then there are plenty of other children in less obvious, but still significant trouble."

A more welcome message today, to judge by the critical acclaim the book won, might be the one contained in reporter Ann Crittenden's *The Price of Motherhood*. Crittenden unexpectedly decided to rear her own child and found herself forgoing money and status in order to do so (also unexpectedly, it appears). The book fits into a genre of recent works aimed at ameliorating what they take to be the unique plight of mothers in today's society. To Crittenden's credit, some of the practical reforms she recommends, such as the reintroduction of alimony and easier access to a father's employee benefits by at-home mothers, have real bite. In fact, it is not hard to imagine good reasons why they may ultimately enjoy public and political support.

If the social scientists are right, then in practical terms there is no transforming home-alone America.

At the same time, however, most of what Crittenden wants — and what she believes most mothers want, too — is a series of reforms in "family law" that will make life easier for mothers who want to work outside the home: extra write-offs for child care, easier access to trained foreign nannies, more paid maternity leave. In other words, her definition of helping American mothers is enforcing laws that will make it easier and easier for those women to be around their children less and less.

The problem that has a name

A FINAL PROPOSITION to which current thinking gives agreement is this: that "there is definitely no going back," in the words of Putnam and nearly every other theorist quoted earlier, to the time when most children could expect the company of related adults, particularly their mothers, in the home and much of the time. If the social scientists are right, then in practical terms there is no transforming home-alone America.

Such unadulterated fatalism, particularly when it seems so universal, of course invites objection. Plenty of behaviors that in certain times and places

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seemed the unremarkable norm have sooner or later found themselves objects of stigma elsewhere. Might not a similar social and intellectual turnaround — perhaps less a restigmatization than a swing in the social pendulum — someday come to characterize the contemporary social practice of leaving children to manage without their parents a great deal of the time? In an interesting volume cited earlier, *There's No Place Like Work*, Brian C. Robertson for one argued yes. "Although the developing consensus on illegitimacy and divorce may have led to a new appreciation of the father's indispensable role in the emotional, behavioral, and character development of children," he reasoned, "this makes the relative neglect in recent years of the *mother's* formative role all the more difficult to account for [italics in the original]." On this reading, a revised and more sensible notion of what benefits children most — like today's ongoing revision of the wisdom of single parenthood — is only a matter of time. Interestingly, in May the *Washingon Post* trumpeted a University of Michigan study on its front page purporting to show a significant increase in the amount of time parents spent with their children in 1997 compared to 1981.

Perhaps what all those unmoored children really suggest is that it's time for a new look at the "social construction" of motherhood.

This is indeed one plausible direction for the post-"mommy-war" world. But the story may be more complicated than that. The authors of the Michigan study, for example, used the same data in a September 2000 paper to show that "the proportion of time . . . taken up by school or day care, personal care, eating, and sleeping increased significantly" from 1981 to 1997, and that "a portion of this change . . . was due to maternal employment." They concluded, "there may be a basis for the concern that shared family activities are declining," and that the "question of the relationship of time to child behavior and well-being" requires further study.

This points us to another and less happy alternative. In the piece quoted earlier by journalist Marjorie Williams, the author explains, as she hopes someday to explain to her five-year-old, that "what I do at that desk," as she puts it, "feels as necessary to me as food or air." These are evocative words in more ways than one. They are the sort of things mothers have also said about their children.

The point here is not to single out Williams or the many, many other mothers who feel just the way she does about her not-home career and all of the benefits — material and meditative, public and private — that it demonstrably confers. The point is not even to exhort any of those mothers to choose otherwise — on reflection, in fact, far from it. To look back on the "mommy wars" is to realize, counter to expectation, that there was something incoherent about such public exhortation all along. After all, if what is

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supposedly the most elemental force of all — maternal instinct — does not compel those women who have a choice in the matter to opt unbidden for the company of their own children, it is hard to see how disputed esoterica from the latest social-science survey could be expected to accomplish the same end.

But there, in all its impotence, is exactly the point. Much has been made, particularly in an era enamored of evolutionary psychology and related reductionist theories, of the "social construction" of fatherhood — meaning the way in which cultural norms must step in to fill the gap between problematic "male instinct," on the one hand, and what society believes to be proper paternal care of one's offspring, on the other. Perhaps something unexpectedly profound has come to be taken for granted here. Perhaps what all those unmoored children really suggest is that it's time for a new look at the "social construction" of motherhood — the ways in which a complicated schema of stigmas and rewards and social understandings, most of them now long gone from the scene, came together to create "motherhood" as the thing itself has been known and admired.

This is not to say that there is no such thing as maternal instinct — one might as well deny the moon — but only that its presumed place in the firmament of other human impulses and desires may be less fixed than has been commonly supposed. If so, then the data now accumulating about the children of home-alone America may just be the beginning, and what we are in for next may be worse than anyone has guessed.

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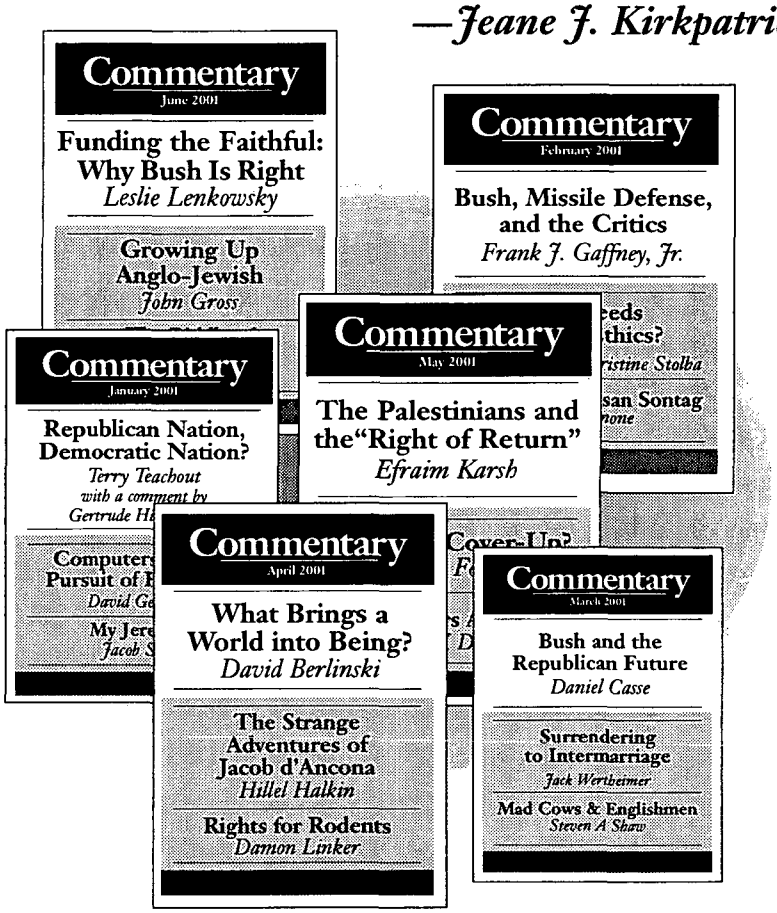
"Very, very important to the life of the United States, to the West, and, I am convinced, to freedom."

—*Jeane J. Kirkpatrick*



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The Perils Of Precaution

Why Regulators' "Precautionary Principle" Is Doing More Harm Than Good

By Henry I. Miller and Gregory Conko

Environmental and public health activists have clashed with scholars and risk-analysis professionals for decades over the appropriate regulation of various risks, including those from consumer products and manufacturing processes. Underlying the controversies about various specific issues — such as chlorinated water, pesticides, gene-spliced foods, and hormones in beef — has been a fundamental, almost philosophical question: How should regulators, acting as society's surrogate, approach risk in the absence of certainty about the likelihood or magnitude of potential harm?

Proponents of a more risk-averse approach have advocated a "precautionary principle" to reduce risks and make our lives safer. There is no widely accepted definition of the principle, but in its most common formulation, governments should implement regulatory measures to prevent or restrict actions that raise even conjectural threats of harm to human health or the environment, even though there may be incomplete scientific evidence as to the potential significance of these dangers. Use of the precautionary principle is sometimes represented as "erring on the side of safety," or "better safe than sorry" — the idea being that the failure to regulate risky activities sufficiently could result in severe harm to human health or the environment, and

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that "overregulation" causes little or no harm. Brandishing the precautionary principle, environmental groups have prevailed upon governments in recent decades to assail the chemical industry and, more recently, the food industry.

Potential risks should, of course, be taken into consideration before proceeding with any new activity or product, whether it is the siting of a power plant or the introduction of a new drug into the pharmacy. But the precautionary principle focuses solely on the *possibility* that technologies could pose unique, extreme, or unmanageable risks, even after considerable testing has already been conducted. What is missing from precautionary calculus is an acknowledgment that even when technologies introduce new risks, most confer net benefits — that is, their use reduces many other, often far more serious, hazards. Examples include blood transfusions, MRI scans, and automobile air bags, all of which offer immense benefits and only minimal risk.

Several subjective factors can cloud thinking about risks and influence how nonexperts view them. Studies of risk perception have shown that people tend to overestimate risks that are unfamiliar, hard to understand, invisible, involuntary, and/or potentially catastrophic — and vice versa. Thus, they *over*estimate invisible "threats" such as electromagnetic radiation and trace amounts of pesticides in foods, which inspire uncertainty and fear sometimes verging on superstition. Conversely, they tend to *under*estimate risks the nature of which they consider to be clear and comprehensible, such as using a chain saw or riding a motorcycle.

These distorted perceptions complicate the regulation of risk, for if democracy must eventually take public opinion into account, good government must also discount heuristic errors or prejudices. Edmund Burke emphasized government's pivotal role in making such judgments: "Your Representative owes you, not only his industry, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." Government leaders should *lead*; or putting it another way, government officials should make decisions that are rational and in the public interest even if they are unpopular at the time. This is especially true if, as is the case for most federal and state regulators, they are granted what amounts to lifetime job tenure in order to shield them from political manipulation or retaliation. Yet in too many cases, the precautionary principle has led regulators to abandon the careful balancing of risks *and* benefits — that is, to make decisions, in the name of precaution, that cost real lives due to forgone benefits.

The danger of precaution

THE DANGER IN the precautionary principle is that it distracts consumers and policymakers from known, significant threats to human health and diverts limited public health resources from those genuine and far greater risks. Consider, for example, the environmen-

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tal movement's campaign to rid society of chlorinated compounds.

By the late 1980s, environmental activists were attempting to convince water authorities around the world of the possibility that carcinogenic byproducts from chlorination of drinking water posed a potential cancer risk. Peruvian officials, caught in a budget crisis, used this supposed threat to public health as a justification to stop chlorinating much of the country's drinking water. That decision contributed to the acceleration and spread of Latin America's 1991-96 cholera epidemic, which afflicted more than 1.3 million people and killed at least 11,000.

Activists have since extended their antichlorine campaign to so-called "endocrine disrupters," or modulators, asserting that certain primarily man-made chemicals mimic or interfere with human hormones (especially estrogens) in the body and thereby cause a range of abnormalities and diseases related to the endocrine system.

A chemical administered at high doses may cause cancer in certain animals but not in humans.

The American Council on Science and Health has explored the endocrine disrupter hypothesis and found that while *high* doses of certain environmental contaminants produce toxic effects in laboratory test animals — in some cases involving the endocrine system — humans' actual exposure to these suspected endocrine modulators is many orders of magnitude lower. It is well documented that while a chemical administered at high doses may cause cancer in certain laboratory animals, it does not necessarily cause cancer in humans — both because of different susceptibilities and because humans are subjected to far lower exposures to synthetic environmental chemicals.

No consistent, convincing association has been demonstrated between real-world exposures to synthetic chemicals in the environment and increased cancer in hormonally sensitive human tissues. Moreover, humans are routinely exposed through their diet to many estrogenic substances (substances having an effect similar to that of the human hormone estrogen) found in many plants. Dietary exposures to these plant estrogens, or phytoestrogens, are far greater than exposures to supposed synthetic endocrine modulators, and no adverse health effects have been associated with the overwhelming majority of these dietary exposures.

Furthermore, there is currently a trend toward *lower* concentrations of many contaminants in air, water, and soil — including several that are suspected of being endocrine disrupters. Some of the key research findings that stimulated the endocrine disrupter hypothesis originally have been retracted or are not reproducible. The available human epidemiological data do not show any consistent, convincing evidence of negative health effects related to industrial chemicals that are suspected of disrupting the endocrine system. In

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spite of that, activists and many government regulators continue to invoke the need for precautionary (over-) regulation of various products, and even outright bans.

Antichlorine campaigners more recently have turned their attacks to phthalates, liquid organic compounds added to certain plastics to make them softer. These soft plastics are used for important medical devices, particularly fluid containers, blood bags, tubing, and gloves; children's toys such as teething rings and rattles; and household and industrial items such as wire coating and flooring. Waving the banner of the precautionary principle, activists claim that phthalates *might* have numerous adverse health effects — even in the face of significant scientific evidence to the contrary. Governments have taken these unsupported claims seriously, and several formal and informal bans have been implemented around the world. As a result, consumers have been denied product choices, and doctors and their patients deprived of life-saving tools.

In addition to the loss of beneficial products, there are more indirect and subtle perils of government overregulation established in the name of the precautionary principle. Money spent on implementing and complying with regulation (justified or not) exerts an "income effect" that reflects the correlation between wealth and health, an issue popularized by the late political scientist Aaron Wildavsky. It is no coincidence, he argued, that richer societies have lower mortality rates than poorer ones. To deprive communities of wealth, therefore, is to enhance their risks.

Wildavsky's argument is correct: Wealthier individuals are able to purchase better health care, enjoy more nutritious diets, and lead generally less stressful lives. Conversely, the deprivation of income itself has adverse health effects — for example an increased incidence of stress-related problems including ulcers, hypertension, heart attacks, depression, and suicides.

It is difficult to quantify precisely the relationship between mortality and the deprivation of income, but academic studies suggest, as a conservative estimate, that every $7.25 million of regulatory costs will induce one additional fatality through this "income effect." The excess costs in the tens of billions of dollars required annually by precautionary regulation for various classes of consumer products would, therefore, be expected to cause thousands of deaths per year. These are the real costs of "erring on the side of safety." The expression "regulatory overkill" is not merely a figure of speech.

Rationalizing precaution

DURING THE PAST few years, skeptics have begun more actively to question the theory and practice of the precautionary principle. In response to those challenges, the European Commission (EC), a prominent advocate of the precautionary principle, last year pub-

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lished a formal communication to clarify and to promote the legitimacy of the concept. The EC resolved that, under its auspices, precautionary restrictions would be "proportional to the chosen level of protection," "non-discriminatory in their application," and "consistent with other similar measures." The commission also avowed that EC decision makers would carefully weigh "potential benefits and costs." EC Health Commissioner David Byrne, repeating these points last year in an article on food and agriculture regulation in *European Affairs*, asked rhetorically, "How could a Commissioner for Health and Consumer Protection reject or ignore well-founded, independent scientific advice in relation to food safety?"

Byrne should answer his own question: The ongoing dispute between his European Commission and the United States and Canada over restrictions on hormone-treated beef cattle is exactly such a case of rejecting or ignoring well-founded research. The EC argued that the precautionary principle permits restriction of imports of U.S. and Canadian beef from cattle treated with certain growth hormones.

In their rulings, a WTO dispute resolution panel and its appellate board both acknowledged that the general "look before you leap" sense of the precautionary principle could be found within WTO agreements, but that its presence did not relieve the European Commission of its obligation to base policy on the outcome of a scientific risk assessment. And the risk assessment clearly favored the U.S.-Canadian position. A scientific committee assembled by the WTO dispute resolution panel found that even the scientific studies cited by the EC in its own defense did not indicate a safety risk when the hormones in question were used in accordance with accepted animal husbandry practices. Thus, the WTO ruled in favor of the United States and Canada because the European Commission had failed to demonstrate a real or imminent harm. Nevertheless, the EC continues to enforce restrictions on hormone-treated beef, a blatantly unscientific and protectionist policy that belies the commission's insistence that the precautionary principle will not be abused.

Precaution meets biotech

PERHAPS THE MOST egregious application by the European Commission of the precautionary principle is in its regulation of the products of the new biotechnology, or gene-splicing. By the early 1990s, many of the countries in Western Europe, as well as the EC itself, had erected strict rules regarding the testing and commercialization of gene-spliced crop plants. In 1999, the European Commission explicitly invoked the precautionary principle in establishing a moratorium on the approval of all new gene-spliced crop varieties, pending approval of an even more strict EU-wide regulation.

Notwithstanding the EC's promises that the precautionary principle would

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not be abused, all of the stipulations enumerated by the commission have been flagrantly ignored or tortured in its regulatory approach to gene-spliced (or in their argot, "genetically modified" or "GM") foods. Rules for gene-spliced plants and microorganisms are inconsistent, discriminatory, and bear no proportionality to risk. In fact, there is arguably *inverse* proportionality to risk, in that the more crudely crafted organisms of the old days of mutagenesis and gene transfers are subject to less stringent regulation than those organisms more precisely crafted by biotech. This amounts to a violation of a cardinal principle of regulation: that the degree of regulatory scrutiny should be commensurate with risk.

Dozens of scientific bodies — including the U.S. National Academy of Sciences (NAS), the American Medical Association, the UK's Royal Society, and the World Health Organization — have analyzed the oversight that is appropriate for gene-spliced organisms and arrived at remarkably congruent conclusions: The newer molecular techniques for genetic improvement are an extension, or refinement, of earlier, far less precise ones; adding genes to plants or microorganisms does not make them less safe either to the environment or to eat; the risks associated with gene-spliced organisms are the same in kind as those associated with conventionally modified organisms and unmodified ones; and regulation should be based upon the risk-related characteristics of individual products, regardless of the techniques used in their development.

An authoritative 1989 analysis of the modern gene-splicing techniques published by the NAS's research arm, the National Research Council, concluded that "the same physical and biological laws govern the response of organisms modified by modern molecular and cellular methods and those produced by classical methods," but it went on to observe that gene-splicing is more precise, circumscribed, and predictable than other techniques.

> [Gene-splicing] methodology makes it possible to introduce pieces of DNA, consisting of either single or multiple genes, that can be defined in function and even in nucleotide sequence. With classical techniques of gene transfer, a variable number of genes can be transferred, the number depending on the mechanism of transfer; but predicting the precise number or the traits that have been transferred is difficult, and we cannot always predict the [characteristics] that will result. With organisms modified by molecular methods, we are in a better, if not perfect, position to predict the [characteristics].

In other words, gene-splicing technology is a refinement of older, less precise techniques, and its use generates less uncertainty. But for gene-spliced plants, both the fact and degree of regulation are determined by the production methods — that is, if gene-splicing techniques have been used, the plant is immediately subject to extraordinary pre-market testing requirements for human health and environmental safety, regardless of the level of risk posed. Throughout most of the world, gene-spliced crop plants such as insect-resis-

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tant corn and cotton are subject to a lengthy and hugely expensive process of mandatory testing before they can be brought to market, while plants with similar properties but developed with older, less precise genetic techniques are exempt from such requirements.

Dozens of new plant varieties produced through hybridization and other traditional methods of genetic improvement enter the marketplace each year without any scientific review or special labeling. Many such products are from "wide crosses," hybridizations in which large numbers of genes are moved from one species or one genus to another to create a plant variety that does not and cannot exist in nature. For example, *Triticum agropyrotriticum* is a relatively new man-made "species" which resulted from combining genes from bread wheat and a grass sometimes called quackgrass or couchgrass. Possessing all the chromosomes of wheat and one extra whole genome from the quackgrass, *T. agropyrotriticum* has been independently produced in the former Soviet Union, Canada, the United States, France, Germany, and China. It is grown for both animal feed and human consumption.

Gene-splicing technology is a refinement of older, less precise techniques, and its use generates less uncertainty.

At least in theory, several kinds of problems could result from such a genetic construction, one that introduces tens of thousands of foreign genes into an established plant variety. These include the potential for increased invasiveness of the plant in the field, and the possibility that quackgrass-derived proteins could be toxic or allergenic. But regulators have evinced no concern about these possibilities. Instead, they have concentrated on the use of gene-splicing techniques as such — the very techniques that scientists agree have improved precision and predictability.

Another striking example of the disproportionate regulatory burden borne only by gene-spliced plants involves a process called induced-mutation breeding, which has been in common use since the 1950s. This technique involves exposing crop plants to ionizing radiation or toxic chemicals to induce random genetic mutations. These treatments most often kill the plants (or seeds) or cause detrimental genetic changes, but on rare occasions, the result is a desirable mutation — for example, one producing a new trait in the plant that is agronomically useful, such as altered height, more seeds, or larger fruit. In these cases, breeders have no real knowledge of the exact nature of the genetic mutation(s) that produced the useful trait, or of what other mutations might have occurred in the plant. Yet the approximately 1,400 mutation-bred plant varieties from a range of different species that have been marketed over the past half century have been subject to no formal regulation before reaching the market — even though several, including two varieties of squash and one of potato, have contained dangerous levels

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of endogenous toxins and had to be banned afterward.

What does this regulatory inconsistency mean in practice? If a student doing a school biology project takes a packet of "conventional" tomato or pea seeds to be irradiated at the local hospital x-ray suite and plants them in his backyard in order to investigate interesting mutants, he need not seek approval from any local, national, or international authority. However, if the seeds have been modified by the addition of one or a few genes via gene-splicing techniques — and even if the genetic change is merely to remove a gene — this would-be Mendel faces a mountain of bureaucratic paperwork and expense (to say nothing of the very real possibility of vandalism, since the site of the experiment must be publicized and some opponents of biotech are believers in "direct action"). The same would apply, of course, to professional agricultural scientists in industry and academia. In the United States, Department of Agriculture requirements for paperwork and field trial design make field trials with gene-spliced organisms 10 to 20 times more expensive than the same experiments with virtually identical organisms that have been modified with conventional genetic techniques.

Regulators of gene-spliced products seldom take into consideration the potential risk-reducing benefits of the technology.

Why are new genetic constructions crafted with these older techniques exempt from regulation, from the dirt to the dinner plate? Why don't regulatory regimes require that new genetic variants made with older techniques be evaluated for increased weediness or invasiveness, or for new allergens that could show up in food? The answer is based on millennia of experience with genetically improved crop plants from the era before gene-splicing: Even the use of relatively crude and unpredictable genetic techniques for the improvement of crops and microorganisms poses minimal — but, as noted above, not zero — risk to human health and the environment.

If the proponents of the precautionary principle were applying it rationally and fairly, surely greater precaution would be appropriate not to gene-splicing but to the cruder, less precise, less predictable "conventional" forms of genetic modification. Furthermore, in spite of the assurance of the European Commission and other advocates of the precautionary principle, regulators of gene-spliced products seldom take into consideration the potential risk-*reducing* benefits of the technology. For example, some of the most successful of the gene-spliced crops, especially cotton and corn, have been constructed by splicing in a bacterial gene that produces a protein toxic to predatory insects, but not to people or other mammals. Not only do these gene-spliced corn varieties repel pests, but grain obtained from them is less likely to contain *Fusarium*, a toxic fungus often carried into the plants by the insects. That, in turn, significantly reduces the levels of the fungal toxin

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fumonisin, which is known to cause fatal diseases in horses and swine that eat infected corn, and esophageal cancer in humans. When harvested, these gene-spliced varieties of grain also end up with lower concentrations of insect parts than conventional varieties. Thus, gene-spliced corn is not only cheaper to produce but yields a higher quality product and is a potential boon to public health. Moreover, by reducing the need for spraying chemical pesticides on crops, it is environmentally friendly.

Other products, such as gene-spliced herbicide-resistant crops, have permitted farmers to reduce their herbicide use and to adopt more environment-friendly no-till farming practices. Crops now in development with improved yields would allow more food to be grown on less acreage, saving more land area for wildlife or other uses. And recently developed plant varieties with enhanced levels of vitamins, minerals, and dietary proteins could dramatically improve the health of hundreds of millions of malnourished people in developing countries. These are the kinds of tangible environmental and health benefits that invariably are given little or no weight in precautionary risk calculations.

In spite of incontrovertible benefits and greater predictability and safety of gene-spliced plants and foods, regulatory agencies have regulated them in a discriminatory, unnecessarily burdensome way. They have imposed requirements that could not possibly be met for conventionally bred crop plants. And, as the European Commission's moratorium on new product approvals demonstrates, even when that extraordinary burden of proof is met via monumental amounts of testing and evaluation, regulators frequently declare themselves unsatisfied.

Biased decision making

WHILE THE EUROPEAN UNION is a prominent practitioner of the precautionary principle on issues ranging from toxic substances and the new biotechnology to climate change and gun control, U.S. regulatory agencies also commonly practice excessively precautionary regulation. The precise term of art "precautionary principle" is not used in U.S. public policy, but the regulation of such products as pharmaceuticals, food additives, gene-spliced plants and microorganisms, synthetic pesticides, and other chemicals is without question "precautionary" in nature. U.S. regulators actually appear to be more precautionary than the Europeans towards several kinds of risks, including the licensing of new medicines, lead in gasoline, nuclear power, and others. They have also been highly precautionary towards gene-splicing, although not to the extremes of their European counterparts. The main difference between precautionary regulation in the United States and the use of the precautionary principle in Europe is largely a matter of degree — with reference to products, technologies, and activities — and of semantics.

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In both the United States and Europe, public health and environmental regulations usually require a risk assessment to determine the extent of potential hazards and of exposure to them, followed by judgments about how to regulate. The precautionary principle can distort this process by introducing a systematic bias into decision making. Regulators face an asymmetrical incentive structure in which they are compelled to address the potential harms from new products, but are free to discount the hidden risk-reducing properties of unused or underused ones. The result is a lopsided process that is inherently biased against change and therefore against innovation.

To see why, one must understand that there are two basic kinds of mistaken decisions that a regulator can make: First, a harmful product can be approved for marketing — called a Type I error in the parlance of risk analysis. Second, a useful product can be rejected or delayed, can fail to achieve approval at all, or can be inappropriately withdrawn from the market — a Type II error. In other words, a regulator commits a Type I error by permitting something harmful to happen and a Type II error by preventing something beneficial from becoming available. Both situations have negative consequences for the public, but the outcomes for the regulator are very different.

Examples of this Type I-Type II error dichotomy in both the U.S. and Europe abound, but it is perhaps illustrated most clearly in the FDA's approval process for new drugs. A classic example is the FDA's approval in 1976 of the swine flu vaccine — generally perceived as a Type I error because while the vaccine was effective at preventing influenza, it had a major side effect that was unknown at the time of approval: A small number of patients suffered temporary paralysis from Guillain-Barré Syndrome. This kind of mistake is highly visible and has immediate consequences: The media pounce and the public and Congress are roused, and Congress takes up the matter. Both the developers of the product and the regulators who allowed it to be marketed are excoriated and punished in such modern-day pillories as congressional hearings, television newsmagazines, and newspaper editorials. Because a regulatory official's career might be damaged irreparably by his good-faith but mistaken approval of a high-profile product, decisions are often made defensively — in other words, above all to avoid Type I errors.

Former FDA Commissioner Alexander Schmidt aptly summarized the regulator's dilemma:

> In all our FDA history, we are unable to find a single instance where a Congressional committee investigated the failure of FDA to approve a new drug. But, the times when hearings have been held to criticize our approval of a new drug have been so frequent that we have not been able to count them. The message to FDA staff could not be clearer. Whenever a controversy over a new drug is resolved by approval of the

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> drug, the agency and the individuals involved likely will be investigated. Whenever such a drug is disapproved, no inquiry will be made. The Congressional pressure for *negative* action is, therefore, intense. And it seems to be ever increasing.

Type II errors in the form of excessive governmental requirements and unreasonable decisions can cause a new product to be "disapproved," in Schmidt's phrase, or to have its approval delayed. Unnecessary or capricious delays are anathema to innovators, and they lessen competition and inflate the ultimate price of the product. Consider the FDA's precipitate response to the 1999 death of a patient in a University of Pennsylvania gene therapy trial for a genetic disease. The cause of the incident had not been identified and the product class (a preparation of the needed gene, encased in an enfeebled adenovirus that would then be administered to the patient) had been used in a large number of patients, with no fatalities and serious side effects in only a small percentage of patients. But given the high profile of the incident, regulators acted disproportionately. They not only stopped the trial in which the fatality occurred and all the other gene-therapy studies at the same university, but also halted similar studies at other universities, as well as experiments using adenovirus being conducted by the drug company Schering-Plough — one for the treatment of liver cancer, the other for colorectal cancer that had metastasized to the liver. By these actions, and by publicly excoriating and humiliating the researchers involved (and halting experiments of theirs that did not even involve adenovirus), the FDA cast a pall over the entire field of gene therapy, setting it back perhaps as much as a decade.

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Although they can dramatically compromise public health, Type II errors caused by a regulator's bad judgment, timidity, or anxiety seldom gain public attention. It may be only the employees of the company that makes the product and a few stock market analysts and investors who are knowledgeable about unnecessary delays. And if the regulator's mistake precipitates a corporate decision to abandon the product, cause and effect are seldom connected in the public mind. Naturally, the companies themselves are loath to complain publicly about a mistaken FDA judgment, because the agency has so much discretionary control over their ability to test and market products. As a consequence, there may be no direct evidence of, or publicity about, the lost societal benefits, to say nothing of the culpability of regulatory officials.

Exceptions exist, of course. A few activists, such as the AIDS advocacy groups that closely monitor the FDA, scrutinize agency review of certain

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products and aggressively publicize Type II errors. In addition, congressional oversight *should* provide a check on regulators' performance, but as noted above by former FDA Commissioner Schmidt, only rarely does oversight focus on their Type II errors. Type I errors make for more dramatic hearings, after all, including injured patients and their family members. And even when such mistakes are exposed, regulators frequently defend Type II errors as erring on the side of caution — in effect, invoking the precautionary principle — as they did in the wake of the University of Pennsylvania gene therapy case. Too often this euphemism is accepted uncritically by legislators, the media, and the public, and our system of pharmaceutical oversight becomes progressively less responsive to the public interest.

The FDA is not unique in this regard, of course. All regulatory agencies are subject to the same sorts of social and political pressures that cause them to be castigated when dangerous products accidentally make it to market (even if, as is often the case, those products produce net benefits) but to escape blame when they keep beneficial products out of the hands of consumers. Adding the precautionary principle's bias against new products into the public policy mix further encourages regulators to commit Type II errors in their frenzy to avoid Type I errors. This is hardly conducive to enhancing overall public safety.

Extreme precaution

For some antitechnology activists who push the precautionary principle, the deeper issue is not really safety at all. Many are more antibusiness and antitechnology than they are pro-safety. And in their mission to oppose business interests and disparage technologies they don't like or that they have decided we just don't need, they are willing to seize any opportunity that presents itself.

These activists consistently (and intentionally) confuse *plausibility* with *provability*. Consider, for example, *Our Stolen Future*, the bible of the proponents of the endocrine disrupter hypothesis discussed above. The book's premise — that estrogen-like synthetic chemicals damage health in a number of ways — is not supported by scientific data. Much of the research offered as evidence for its arguments has been discredited. The authors equivocate wildly: "Those exposed prenatally to endocrine-disrupting chemicals *may* have abnormal hormone levels as adults, and they *could* also pass on persistent chemicals they themselves have inherited — both factors that *could* influence the development of their own children [emphasis added]." The authors also assume, in the absence of any actual evidence, that exposures to small amounts of many chemicals create a synergistic effect — that is, that total exposure constitutes a kind of witches' brew that is far more toxic than the sum of the parts. For these anti-innovation ideologues, the mere fact that such questions have been asked requires that inventors or producers expend

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time and resources answering them. Meanwhile, the critics move on to yet another frightening plausibility and still more questions. No matter how outlandish the claim, the burden of proof is put on the innovator.

Whether the issue is environmental chemicals, nuclear power, or gene-spliced plants, many activists are motivated by their own parochial vision of what constitutes a "good society" and how to achieve it. One prominent biotechnology critic at the Union of Concerned Scientists rationalizes her organization's opposition to gene-splicing as follows: "Industrialized countries have few genuine needs for innovative food stuffs, regardless of the method by which they are produced"; therefore, society should not squander resources on developing them. She concludes that although "the malnourished homeless" are, indeed, a problem, the solution lies "in resolving income disparities, and educating ourselves to make better choices from among the abundant foods that are available."

Many activists are motivated by their own parochial vision of what constitutes a "good society" and how to achieve it.

Greenpeace, one of the principal advocates of the precautionary principle, offered in its 1999 IRS filings the organization's view of the role in society of safer, more nutritious, higher-yielding, environment-friendly, gene-spliced plants: There isn't any. By its own admission, Greenpeace's goal is not the prudent, safe use of gene-spliced foods or even their mandatory labeling, but rather these products' "complete elimination [from] the food supply and the environment." Many of the groups, such as Greenpeace, do not stop at demanding illogical and stultifying regulation or outright bans on product testing and commercialization; they advocate and carry out vandalism of the very field trials intended to answer questions about environmental safety.

Such tortured logic and arrogance illustrate that the metastasis of the precautionary principle generally, as well as the pseudocontroversies over the testing and use of gene-spliced organisms in particular, stem from a social vision that is not just strongly antitechnology, but one that poses serious challenges to academic, commercial, and individual freedom.

The precautionary principle shifts decision making power away from individuals and into the hands of government bureaucrats and environmental activists. Indeed, that is one of its attractions for many NGOs. Carolyn Raffensperger, executive director of the Science and Environmental Health Network, a consortium of radical groups, asserts that discretion to apply the precautionary principle "is in the hands of the people." According to her, this devolution of power is illustrated by violent demonstrations against economic globalization such as those in Seattle at the 1999 meeting of the World Trade Organization. "This is [about] how they want to live their lives," Raffensperger said.

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To be more precise, it is about how small numbers of vocal activists want the rest of us to live *our* lives. In other words, the issue here is freedom and its infringement by ideologues who disapprove, on principle, of a certain technology, or product, or economic system.

The theme underlying the antitechnology activism of today is not new. It resonates well with historian Richard Hofstadter's classic analysis half a century ago of religious and political movements in American public policy, *The Paranoid Style in American Politics*. Hofstadter summarized the religious and political activists' paranoia this way: "The central image is that of a vast and sinister conspiracy, a gigantic and yet subtle machinery of influence set in motion to undermine and destroy a way of life." He goes on to note a characteristic "leap in imagination that is always made at some critical point in the recital of events." Susanne Huttner, associate vice provost for research of the University of California system, has placed biotechnology critics squarely in Hofstadter's sights. Viewed from Hofstadter's model of the paranoid style, she has observed that the "conspiracy" here lies in large-scale agriculture performed with twenty-first century technology, and the "leap in imagination" lies in the assertion that biotechnology is at base bad for agriculture, farmers, and developing nations.

But can these generalizations apply to all biotechnologies? What about veterinary diagnostics and vaccines? Plants resistant to disease, insects, and-drought? Grains with enhanced nutrient content? Fruits that act as vaccines and can immunize inhabitants of developing countries against lethal and hugely prevalent infectious diseases?

Precaution *v.* freedom

History offers compelling reasons to be cautious about societal risks, to be sure. These include the risk of incorrectly assuming the absence of danger (false negatives), overlooking low probability but high impact events in risk assessments, the danger of long latency periods before problems become apparent, and the lack of remediation methods in the event of an adverse event. Conversely, there are compelling reasons to be wary of excessive precaution, including the risk of too eagerly detecting a nonexistent danger (false positives), the financial cost of testing for or remediating low-risk problems, the opportunity costs of forgoing net-beneficial activities, and the availability of a contingency regime in case of an adverse event. The challenge for regulators is to balance these competing risk scenarios in a way that reduces overall harm to public health. This kind of risk balancing is often conspicuously absent from precautionary regulation.

It is also important that regulators take into consideration the degree of restraint generally imposed by society on individuals' and companies' freedom to perform legitimate activities (e.g., scientific research). In Western

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democratic societies, we enjoy long traditions of relatively unfettered scientific research and development, except in the very few cases where bona fide safety issues are raised. Traditionally, we shrink from permitting small, authoritarian minorities to dictate our social agenda, including what kinds of research are permissible and which technologies and products should be available in the marketplace.

Application of the precautionary principle has already elicited unscientific, discriminatory policies that inflate the costs of research, inhibit the development of new products, divert and waste resources, and restrict consumer choice. The excessive and wrong-headed regulation of the new biotechnology is one particularly egregious example. Further encroachment of precautionary regulation into other areas of domestic and international health and safety standards will create a kind of "open sesame" that government officials could invoke whenever they wish arbitrarily to introduce new barriers to trade, or simply to yield disingenuously to the demands of antitechnology activists. Those of us who both value the freedom to perform legitimate research and believe in the wisdom of market processes must not permit extremists acting in the name of "precaution" to dictate the terms of the debate.

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Europe in the Balance

The Alarmingly Undemocratic Drift Of the European Union

By LEE A. CASEY AND DAVID B. RIVKIN JR.

EVER SINCE THE COLD WAR ended 10 years ago, the nations of Western and Central Europe have rapidly moved to transform the European Economic Community, the "Common Market," into a genuine political union. One after the other, major areas of policymaking responsibility, including important aspects of economic, monetary, social, and legal policies, have been transferred from the nation-states of Europe to the institutions of the European Union (EU). The goal and purpose of this new Europe's leaders are no secret. In a November 2000 speech in Germany, Romano Prodi, president of the European Commission, the EU's principal executive and legislative body, stated that the objective of this "European Project" is not just to create "a superstate but a superpower" — a superpower that will work to spread its values and concepts of governance on the international level.

During this critical period, the United States has continued to endorse European integration, as it has done for the past 50 years. The political traditions of the EU-member states, which include principles of popular sovereignty, the fact that European integration has been accomplished through peaceful means, and decades worth of Cold War era support by Washington for a stronger, more unified, Europe better able to stand up to Moscow, have led American policymakers to continue viewing the European Project as democratic and, by and large, beneficial. This is true even of those U.S. offi-

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cials and commentators who are otherwise uncomfortable with the prospect of an emerging European power capable of challenging U.S. "leadership" in global affairs, and who oppose many of the EU's policy positions.

However, the assumption that the new Europe, or at least the new Europe planned by the EU's current leadership, will continue to share the democratic values of the United States is badly in need of reexamination. Although only time will reveal the truth, there are a number of very troubling indicators suggesting that Europe is not moving towards a unified, democratic state on the American model, a "United States of Europe," but rather retreating to a model of governance characteristic of the Continent before the period of Reformation, Enlightenment, and Revolution that spawned the United States. In this regard, at the heart of the European Project lies the notion of a supernational or "universal" authority, spread across the whole of Europe, very similar to the universalist ideas of the Middle Ages. Moreover, this goal has manifested itself in institutions and assumptions about the role of the citizenry in government that are more characteristic of the Age of Absolutism than of American-style republicanism.

If, in the long run, the political ideas of the Reformation and Enlightenment prove to be exceptions to a more permanent and ancient European rule, departures rather than transformations, this will create unique and serious problems for the United States. The American republic has no place, intellectually or politically, in the pre-Enlightenment European world, and while Francis Fukuyama's "end of history" thesis is partially correct — communism, at least outside of the halls of academe, does not offer a viable ideological threat to democracy — what model of nontotalitarian governance will ultimately triumph globally is still very much in doubt. Few Americans would disagree with the proposition that popular legitimacy, accountability, limited government, and the existence of a large sphere of private activities free from government involvement are essential attributes of democracy, necessary for both domestic tranquility and international stability. It appears that few of the EU's leaders would agree, judging by its institutions and their goals. At the same time, Europe has rarely been content, for long, to manage its own affairs without seeking to export its vision of the proper order of things.[1] For generations, before the mid-twentieth century, Europe viewed itself as the leader of the world's affairs — and history has often proved Europe right.

To be sure, this growing ideological gulf between Europe and the United

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[1] This is a characteristic, it must be admitted, that the United States inherited from Europe in full measure. The notion that major countries seek to export in the global marketplace of ideas their distinctive political philosophies has been embraced by, among others, Montesquieu, Hume, Carlyle, as well as by many of the Framers of the American Constitution.

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States will not prevent continued cooperation on a number of issues now facing the international community. However, if Europe does retrench to a worldview so fundamentally different from that of the United States, this will create a new — and far less congenial — strategic context for bilateral relations between the Old and New Worlds.

The eternal empire

ALTHOUGH THE EU'S PRACTICAL ORIGINS date to the founding of the European Coal and Steel Community in 1951, the basic assumption that "Europe" is by nature a whole, and that there is, or should be, a unifying authority higher than any individual state or ruler, runs very deep in the Continent's tradition. Indeed, the notion of an "empire" or "imperium" in the form of an ultimate, supernational power can be dated to the Roman Empire itself. And as an intellectual matter, it can arguably be traced to the most influential work of the most respected thinker of the Middle Ages, St. Augustine of Hippo. In his *City of God*, Augustine took as given that the one divine order of God would be reflected in the one earthly order of Rome: "God himself gave dominion to the Romans." The *City of God* envisions Rome's future as the center of the spread of Christianity.

For at least a thousand years after Augustine's time (354-430), European intellectuals, including the likes of St. Thomas Aquinas and Dante, accepted the imperative of some supernational authority uniting Europe, and the sovereignty of individual states was (at least before the sixteenth century) genuinely debatable. In spiritual matters, the papacy was generally accepted as Christendom's final word, and papal claims extended to political affairs as well. Powerful popes arbitrated between secular rulers, and the Holy See was looked to as the ultimate source of legitimacy. Over time, kings and emperors, as well as cities and communes, sought papal sanction for conquest, condominium, or innovation. For example, it was the papacy that approved, in the eighth century, the replacement of France's Merovingian kings by the new Carolingian dynasty; that sanctioned William of Normandy's expedition against Anglo-Saxon England in 1066; and that recognized Portugal as an independent state in 1179.

Papal claims were, in fact, traced directly to a supposed grant to the Holy See of political authority over the Western half of the Roman Empire by Constantine the Great, at the time he moved his own capital East to Constantinople, today's Istanbul. This document, the "Donation of Constantine," gave to the Bishop of Rome and his successors "all provinces, palaces and districts of the city of Rome and Italy and of the regions of the West." Although the Donation of Constantine was later proved to be a forgery (probably created in good faith by a cleric who genuinely believed that the original had merely been lost), it nevertheless provided, until the eve

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of the Reformation, documentary evidence for papal claims to govern, temporally and spiritually, a united Western Europe. In the eleventh century, Pope Gregory VII, heading a reformed and newly assertive Church, aggressively claimed this ultimate authority for the Holy See:

> Does anyone doubt that the priests of Christ are to be considered as fathers and masters of kings and princes and of all believers? . . . Evidently recognizing this, the emperor Constantine the Great, lord over all kings and princes throughout almost the entire earth . . . at the holy synod of Nicea took his place below all the bishops.

Papal claims to exercise the imperium in secular affairs were, of course, contested — most especially by the Holy Roman Emperors. These rulers also grounded their claims to preeminence in Europe on the caesars' inheritance, tracing their title to the year 800, when Pope Leo III crowned the Frankish King Charles "august emperor of the Romans." The empire of Charles "the Great," Charlemagne, incorporated most of today's EU, including France, Germany, Italy, and the Low Countries. It disintegrated within a generation or two of his death in 814, but Charlemagne's imperial title and dignity survived in the German, Italian, and Netherlandish parts of his empire — the "Holy Roman Empire of the German Nation," which also included significant parts of modern France. The title "Roman Emperor" was, in fact, held by one German prince or another until 1804, when Napoleon Bonaparte established his own empire, on Charlemagne's model.

It is, therefore, not by accident that many of the European Project's supporters today look to the Europe united under Charlemagne for precedent and inspiration. Indeed, every year a "Karls Preis" or "Charlemagne Prize" is awarded to an individual to recognize the "most meritorious contribution serving European unification and the European community, serving humanity and world peace." The award is made in Charlemagne's old capital, Aachen, in Germany's Rhineland.

In any case, whether exercised by pope or emperor, the existence of a European imperium, uniting the Continent through the exercise of a final, ultimate authority, fully capable of binding individual states and princes, was widely acknowledged in theory, if not always in practice, up to the early sixteenth century. However, with the Protestant Reformation, and the Wars of Religion that followed, acceptance of this predicate evaporated. Even theoretical papal claims to a political predominance were no longer subscribed to by Europe's rulers, including the Catholic kings of France and Spain. At the Peace of Westphalia, which ended the Thirty Years War in 1648, the "Roman" emperor accepted the independence of the Dutch Republic and the effective sovereignty of the German states. It was at this point that the "empire," the "right of sovereign command, by which the nation ordains and regulates at its pleasure, every thing that passes in the country" (in the 1792 characterization of Vattel in his *Law of Nations or Principles of the Law of Nature Applied in the Conduct and Affairs of Nations and*

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Sovereigns) formally passed from supernational authorities, to national ones. And there it has firmly remained. It was, of course, during this Westphalian Age of national sovereignty that the American Republic was founded, and our form of democracy is premised upon it.[2]

Such notions of national sovereignty are, however, considered outdated, and even ridiculous, in the EU's corridors of power. As Sir Christopher Patten, the European commissioner for external relations, put it in the 2000 Chatham Lecture at Oxford University, "'sovereignty' in the sense of unfettered freedom of action, is a nonsense. A man, naked, hungry and alone in the middle of the Sahara desert is free in the sense that no one can tell him what to do. He is sovereign, then. But he is also doomed."[3]

From the perspective of the European Project, the justification of this retreat from the principle of national sovereignty is to ensure a stable and peaceful Europe, capable of dealing with challenging global issues and of balancing the current American global preeminence. In an October 2000 speech to the Paul-Henri Spaak Foundation in Brussels, Romano Prodi explained that the older, European Community model of "intergovernmental co-operation is not sufficient" because "all too easily it degenerates into conflict. And it is precisely to prevent such conflicts ever happening again in Europe that our supernational institutional system was set up." Prodi's sentiments echo those of his thirteenth century countryman Dante, who explained the need for a universal imperium as follows:

> There is always the possibility of conflict between two rulers where one is not subject to the other's control; such conflict may come about either through their own fault or the fault of their subjects (the point is self-evident); therefore there must be judgement between them. And since neither can judge the other (since neither is under the other's control, and an equal has no power over an equal) there must be a third party of wider jurisdiction who rules over both of them by right.

European opinion, it appears, has come full circle.

Moreover, there are indicators that the reassertion of universalist political principles in Europe will likewise herald a return to a universalist cultural

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[2] Contrary to the typical European criticisms, our stubborn insistence on retaining a freedom of action overseas, including the right to repudiate customary or treaty-based legal norms, is not an isolationist tendency. It is simply a reflection of the fact that, since there is no global democratic body polity, the nation-state remains the highest and the only legitimate expression of popular sovereignty.

[3] American attachment to this evidently discredited principle also is viewed with a jaundiced eye. One of Sir Christopher's criticisms of the United States is Americans' "hostility to any external authority over their own affairs," a sentiment that no doubt drew a sad and knowing smile from Lord North's ghost.

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model, a renewed concept of Europe as a kind of "Christendom." European integration is not, of course, a project of the Catholic Church, which, in more recent times, has devoted itself to the cure of souls rather than the correction of kings. However, a profound emphasis on "shared values," this time of the secular twentieth century "humanistic" variety, is a very strong element of the European Project. Nowhere is this more evident than in the marked reluctance to welcome one of Europe's most important states, Turkey, into the EU fold. Indeed, despite the fact that Turkey has been a member of NATO for decades, and was one of its most faithful members throughout the Cold War, recent polls in the EU suggest that some 70 percent oppose Turkey's admission.[4] Although geography is, occasionally, cited as the reason for the EU's frosty reception to Turkey's application, since most of Turkey is in Asia Minor, this can hardly be the real reason. Turkey's largest city, Istanbul is, in fact, in Europe, while not one square inch of either Britain or Ireland, both EU members, touches the Continent. A much more honest explanation is "cultural," i.e., religion. The Turkish Republic is a secular state with an overwhelmingly Muslim population.

A new absolutism?

If the universalist goals of the European Project, uniting the Continent under a single, supernational authority, can be described as premodern or "medieval," the institutions of the new Europe seem more characteristic of "early modern" models. There are, in fact, many aspects of the new Europe's political philosophy, and its practical application in the EU's institutions, that can fairly be described as "absolutist." It is not, of course, the case that Europe is about to reprise the Age of Kings. There will be no bewigged princes presiding over gilded salons in the new Europe, and the apartments of Versailles will be left to its curators and the tourists. Monarchy, however, is not essential to absolutism.

Stripped of its velvet and lace, absolutism's essence is surprisingly straightforward. Its chief attribute is the initiation and execution of policy by a centralized and unaccountable bureaucracy, rather than though electoral poli-

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[4] This attitude is fully shared by at least some of the EU's leaders — when they are disposed to be candid. At a recent luncheon in Washington, attended by numerous foreign policy professionals and one of the authors, a senior EU official admitted that the real problem with admitting Turkey was that it is too large and its admission would inevitably change the EU's cultural fabric. This, as he put it, will not be allowed. Similarly, it should also be noted, the EU has not indicated much interest in the admission of Russia or Ukraine, states indubitably part of continental Europe, but which never formed part of medieval, Western Christendom.

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tics and a system of political accountability. This bureaucratic centralization was, as historian John C. Rule, has noted, "the very stuff of which so-called seventeenth-century absolutism was made" (*Louis XIV and the Craft of Kingship*, 1969). Throughout Europe, absolutism was characterized by a basic belief that good government had to be professional government, where experts and professionals make policy as well as implement it. By contrast, government by elected officials and elected legislatures was viewed as, at best, inefficient and parochial. At worst, it was considered to be corrupt and dangerous. Similar attitudes are readily discernable among the EU's governing elite, and they permeate its institutions.

The EU has three principal policymaking bodies: the Council of the European Union (council), composed of one Cabinet-level representative from each of the EU's member states; the European Parliament, elected by the citizens of the EU's member states; and the European Commission, the EU's executive and, for all practical purposes, its legislative body. In theory, the European Commission is accountable to both the council and the European Parliament. However, neither the council, nor the European Parliament, initiate policymaking. Their power is mostly a negative one, the ability to withhold approval of policies formulated and adopted by the European Commission, and even this checking function is exercised infrequently. Without doubt, the European Commission is the most powerful EU institution.

The European Commission is composed of a president and 19 members. These individuals are selected by the EU's member states and are subject to a process of collective approval by the European Parliament. The European Commission acts as the EU's executive branch, and it also is the true source of its policy and legislative initiatives. It usually gets its way and, in areas such as "competition," agricultural, and trade policy, it is virtually autonomous. In an April 2000 white paper, "Reforming the Commission," the body described itself as follows:

> It was established to act impartially in the interests of the European Community as a whole and to act as guardian of the founding Treaties, notably by exercising its right of legislative initiative; controlling Member States' respect of Community law; negotiating commercial agreements on behalf of the Community; implementing the common policies and ensuring that competition in the Community was not distorted.

It further boasted that "[t]he Commission has been an engine of change in the transformation from customs union to economic and then political union."

In other words, this unelected and, for all practical purposes, unaccountable body has embarked on the creation of a unified European state, wherein it is the single most powerful institutional actor. With remarkable candor, the European Commission has admitted, in the same white paper, that this

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very lack of accountability has been the secret of its success: "The original and essential source of the success of European Integration is that the EU's executive body, the Commission, is supranational and independent from national, sectoral, or other influences. This is at the heart of its ability to advance the interests of the European Union."

The undemocratic nature of the European Commission is widely recognized, and supporters of the European Project, including and especially the European Commission itself, acknowledge that not all of Europe's "citizens" have embraced Brussels and its institutions. In a September 2000 "communication" to the other EU institutions on its "Strategic Objectives 2000-2005," the European Commission noted that "[a]t present, public faith in our national and European institutions is low. Citizens feel remote from them and are calling for a greater say in how things are done at [the] European level."

From the European Commission's perspective, the solution to this "democracy deficit" is not, however, a radical reworking of the EU's institutions to ensure that only elected officials exercise the initiative in policymaking. In fact, officials at the highest levels acknowledge that this is currently impossible. In the words of Sir Christopher Patten at his Chatham Lecture, the EU "has to accept that there is no European 'demos' in the sense of a population which feels itself to be one. The problem of legitimacy and democracy is therefore especially difficult. And it is especially acute, because the European Union is so powerful."[5] The proposed prescription, however, is not to slow the integration process until the aspirations of Europe's peoples actually mirror those of the EU's leaders. Rather, the solution lies (in the European Commission white paper's assessment) in "efficient and vigorous institutions which connect with our citizens," and that give the citizens "a permanent stake in shaping and implementing policy."

Despite the benevolent and comforting tone of these statements, they reveal exactly how far the European Project has moved away from the model of democracy that Americans take for granted. Popular sovereignty is

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[5] Some have tried to define the problem away. Andrew Moravcsik, writing in the May/June 2001 edition of *Foreign Affairs*, notes that the EU bureaucracy is quite small — "only 2,500 [employees of the Commission] have any decision-making capacity" — exercises only a few of the entire penumbra of governmental powers, and is "almost devoid of the power to tax, spend, or coerce." These claims, however, are misleading. Since the EU is ultimately the judge of its own authority, its bureaucrats are able to find adequate justification for whatever actions they choose to undertake. The fact that their approaches are often convoluted and have to be implemented by the national institutions of member states does not decrease the democracy deficit; it only increases the economic and social compliance costs and promotes inefficiencies.

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discarded. The citizenry has been transformed from the ultimately source of legitimate authority, which can be exercised only by elected officials, into one of several stakeholders in the process of government. Indeed, the assumption that there are issues not fit for decision by the citizenry, or its elected officials, runs deep in the philosophy of the new Europe. It is evident, for example, in the explanation of the core EU doctrine of "subsidiarity" offered in a February 2001 speech at the Free University of Berlin by Pascal Lamy, European commissioner for trade:

> The principle by which we tackle subjects at the right level which means as close to the man in the street as possible. We should only transfer to a higher, or more general, political body those questions which individuals, families, villages, regions, nations cannot decide for themselves.

The European Commission noted that "[a]t present, public faith in our national and European institutions is low."

Under the principles of American republicanism, there are no issues that individuals, families, villages, regions, or nations cannot decide for themselves, either directly or through their elected representatives.

Here, it is important to understand that the question of subsidiarity is not akin to the dual sovereignty, and the disposition of authority between the federal government and the states, in the United States Constitution. Under American federalism, the sole question is whether a particular issue will be addressed by the elected representatives of the entire U.S. electorate on the federal level, or whether it will be addressed by the elected representatives of the people of each individual state. The U.S. Constitution envisions that only a finite set of national issues is to be resolved at the national level, a constraint reflected in the proposition that the federal government has limited and enumerated powers.[6] By contrast, under the EU model, matters that are to be decided at the European level — a lengthening list of economic, environmental, trade, social, and legal policy questions — are to be removed from popular politics altogether. In his October speech to the Spaak Foundation, Prodi criticized a European system that would depend on cooperation between the

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[6] The fact that, despite all of the constitutional constraints, the power of the federal government has grown steadily over the past 225 years underscores the problem. The existence of a written constitution, of a political and popular culture that features a healthy dose of mistrust toward the government, and of an independent judiciary does, though, provide a mitigating factor in the United States. These "checks and balances" are absent in the EU case.

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elected governments of the EU's member states: "national governments are bound to their countries' electoral cycles. Short-term domestic agendas can thus easily deflect them from considering the long-term interests of Europe as a whole."

In fact, parliamentary democracy, where policies are determined through political processes rather than by professional bureaucracies, already is considered passé by many in the European Project's vanguard. Indeed, in the European Commission's view, the real authority of Europe's national parliaments is already so diminished that it has sponsored a study to find some useful role for them to play in the new Europe. As Luciano Violante, the chair of this project and president of Italy's Chamber of Deputies, explained in an October 2000 speech in Budapest, such elected bodies already "have lost their monopoly position in representing society. NGOs, trade unions and industry associations, pressure groups and the media give public voice to broad or narrow interests with apparently much greater effectiveness than parliamentary bodies."

Respect for "human rights," and the rule of law, are necessary but not sufficient features of democracy.

The answer, however, is not a return to the supremacy of legislative bodies in the business of legislating, "a sort of nineteenth-century legislative simplicity," in Violante's words. Rather, according to a November 2000 review of a European Commission "green paper" entitled "The Future of Parliamentary Democracy: Transition and Challenge in European Governance," the solution is for parliaments to establish the procedural rules whereby others — including "organizations, agents of civil society, and experts in governance processes," make policy: "Parliament could concern itself less with detailed governance issues in highly specialized areas, and focus instead on developing frames for relevant and engaged actors to self-govern in a manner satisfying, for instance, rules of access and participation, due process, and accountability."

While Europe's legislatures are to content themselves with behaving, like the European Parliament, as exalted debating societies with no real power, the European Commission itself plans to "remain the driving force within this process [of European integration] both through its vision and its action. The Commission will focus more on its core functions of policy conception, political initiative, enforcing Community law, monitoring social and economic developments, stimulation, negotiation, and where necessary legislating." In the words of President Prodi, "[a] strong Commission, uniquely serving the interests of Europe as a whole, must remain the system's driving force, its powerhouse."

In defending the "democratic" character of the new Europe's institutions, supporters can, and do usually, point to the values of human rights and

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equality also espoused by the EU. But these lofty concepts cannot alter, or mask, the absolutist character of those institutions. Respect for "human rights," and the rule of law, are necessary but not sufficient features of democracy. Even serfs had rights, genuinely enforceable in court, and absolutist regimes in the past have often offered elaborate judicial and legal processes. Bourbon France, for example, was thick with courts, and private citizens could obtain redress even against the king and his agents. Procedural requirements (although far from what would today be considered to be acceptable standards) in these tribunals were respected, and the judiciary was, on the whole, well-educated and professional.

Similarly, an emphasis on the value of equality also is not inconsistent with an absolutist form of government. Equality — in society, before the law, and (most especially) before government bureaucracies — has proven to be a favored and useful tool of absolutism. The Emperor Joseph II (1741-90) made the equality of all subjects under the crown — regardless of wealth or aristocratic birth — a key aspect of his absolutist program in the late-eighteenth century Habsburg monarchy.

From the perspective of U.S. philosophical and constitutional traditions, the key question in determining whether any particular model of government is a democracy is whether the governed choose their governors — in practice as well as in theory. This form of democracy appeared also to be the trend among the European states (with some notable exceptions) over the past two hundred years. Unfortunately, the reemergence of a pre-Enlightenment pan-European ideology that denies the ultimate authority of the nation-state, as well as the transfer of policymaking authority from the governed and their elected representatives to a professional bureaucracy, as is evident in the EU's leading institutions, suggests a dramatic divergence from the basic principle of popular sovereignty once shared both by Europe's democracies and the United States.

"The World's Debate"

WHETHER THIS DIVERGENCE will continue remains in doubt, as does the final result of the European Project itself. Although many of Europe's leaders assume that the nation-state's day is past, many ordinary Europeans are not so sure. In September 2000, the Danes refused to approve Denmark's accession to the common European currency, and British public opinion remains strongly against exchanging the pound sterling for the euro. Similarly, in the states of Eastern Europe, where elites ache for EU acceptance and admission, public sentiment remains dubious. In Estonia, the government has decided to stop commissioning opinion polls on EU membership, since they keep getting the "wrong" answer, suggesting that less than half of the Estonian electorate actually supports joining the EU. Even Sir Christopher Patten, in the speech in which he confidently

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termed unfettered national sovereignty "nonsense," has admitted that "[t]he concept of an international society is not one towards which people are attracted by sentiment or tradition."

Nevertheless, the EU's current leadership seems fully committed to universalism implemented through a new absolutist bureaucracy. To be sure, some of these leaders acknowledge, and even mourn, the loss of traditional democratic values represented by the EU's institutions, but none appears to doubt that the "project" must go on regardless.

What then? If European integration continues on its current path, Europe can be expected to challenge the United States ideologically and politically. As the European Commission instructed the European Parliament in September 2000: "Our objective must be to make Europe a global actor, with a political weight commensurate with our economic strength; a player capable of speaking with a strong voice and of making a difference in the conduct of world affairs." This goal was similarly echoed by British Prime Minister Tony Blair, when he accepted the Charlemagne Prize in Aachen, Germany, in May 1999:

> For Europe the central challenge is no longer simply securing internal peace inside the European Union. It is the challenge posed by the outside world, about how we make Europe strong and influential, how we make full use of the potential Europe has to be a global power for good. To achieve this, we must accept that our economy needs reform to compete; our European defense capability is nowhere near sufficient; we do not yet wield the influence in global issues that we should. We are less than the sum of our parts.

The new European assertiveness extends to the promotion of Europe's social and political values as a model for a new international system. As Romano Prodi noted in April, 2000, "we need a new world order, a new, democratically accountable system of global governance and Europe, with its distinctive ethical and political values, must seek to play a leading role in that new system." The seriousness of this purpose is fully evident not only in the EU's efforts to create a European-wide foreign and defense policy, but also in the efforts of EU member states to steer U.S. policy through assertions that the substance — if not the actual terms — of new international treaty regimes, such as the Kyoto Protocols on Global Climate Change and the proposed International Criminal Court, can be imposed on the United States even if it has not ratified those instruments.[7] Indeed, Europe's political and intellectual leaders have certainly not been reticent about vigorously

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[7] For a discussion of how Europeans view "new" international law as a way of disciplining American power, see, for example, our article, "The Rocky Shoals of International Law," in the *National Interest*, Winter 2000-01.

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criticizing virtually every facet of American domestic and foreign policies, with the more reflective European pundits challenging the bedrock principles of American society and government.

There is every reason for the United States to join the issue, and to compete vigorously in both the ideological and political aspects of this debate. It is only by discoursing candidly on why and how we disagree about these "first principles" that the United States can manage successfully a number of specific policy disputes, including the death penalty, gun control, the Kyoto protocols, the proposed International Criminal Court, and national missile defense, which already trouble our relationship with Europe. Trying to sweep our differences under the rug will not work. While there is nothing wrong with justifying our policy preference in terms of American raison d'etat, it is still essential to explain them also in terms of normative moral principles. For far too long, we have been conceding the moral high ground to the Europeans.

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The Politics of Airstrikes

By SCOTT A. COOPER

IN THEIR BOOK *Thinking in Time: The Uses of History for Decision-Makers* (1986), Harvard professors Richard Neustadt and Ernest May make an important observation. Washington decision makers, and even academics, students, journalists, and the average citizen, "used history in their decisions, at least for advocacy or for comfort, whether they knew any or not." While most of their work concentrates on the question of whether or not decision makers, within the limits of their circumstances, could have done better, it also focuses on how decision makers often misread cases in history and draw inaccurate comparisons and parallels. Munich framed many decisions after World War II. Vietnam has been the military's frame of reference for over two decades, and the past decade has seen the Gulf War used as the antithetical comparison to Vietnam. Whether these analogies are appropriate or not, they are used over and over, often to the detriment of thoughtful reflection. The military itself indulges too often in complacent hindsight, and it has done so again in looking back on the Kosovo air campaign, Operation Allied Force.

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Much of the debate since Allied Force, especially in military circles and the Air Force in particular, has centered around the dissatisfaction of many commanders with the strategy of the campaign. These commanders are critical of the basic strategy choices made by NATO's leaders, arguing that politicians needlessly hampered the application of a coherent and doctrinally pure air power strategy, thereby risking American credibility and also prolonging the war itself. What is most disturbing about this after-action chastisement is the absence of the appropriate collegiality coupled with civilian primacy that is necessary for both healthy civil-military relations as well as good national policy. Exacerbating this is the military's misreading of both the Vietnam War and the Gulf War. Vietnam is remembered as a case of air power being undermined by civilian control of air operations, with images of President Johnson and Secretary of Defense McNamara on their knees in the Oval Office selecting targets. The Gulf War is remembered as a textbook case of proper civilian noninvolvement, with President Bush, Secretary of Defense Cheney, and others merely standing back while the air planners conducted a lethal and successful strategy.

Both of these notions are incorrect, and they are especially harmful because they lead to the subsequent conclusion that politicians should only set objectives, not involve themselves with military plans or scrutinize the conduct of operations. A closer study of Vietnam, Iraq, and Kosovo reveals a far more complicated relationship between civilian policymakers and military leaders in setting air strategy than is generally understood either by military leaders or their civilian masters. The fundamentals of success in air warfare are candor, collegiality, and a common sense of purpose. And it is time to put to rest the unsupportable notion that civilians should only give broad guidance and then stay out of the way.

The criticism

LIEUTENANT GENERAL MICHAEL SHORT, now retired, served as the Air Component Commander during Allied Force. He has publicly decried the strategy of an incremental, gradual escalation, appealing to the president and those above him in the military commands (the regional commanders in chief, or CINC's), that they should heed the advice of airmen, who best understand how to carry out a campaign. Just weeks after the end of the war in an interview with the *Washington Post,* he declared that "as an airman, I'd have done this a whole lot differently than I was allowed to do. We could have done this differently. We should have done this differently." He further expanded his argument in a speech at the Air Force Association Air Warfare Symposium in February 2000:

> We need to prepare our politicians as best we can for what is going to happen. If we are going to initiate an air campaign, not an air effort, but

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> an air campaign, airmen need to be given the chance to explain what is going to happen to our political leadership. Airmen, who have practiced their craft and their trade for 30 or 35 years, need to be given the opportunity to make that explanation. I read in General Horner's [the air component commander in Desert Storm] superb book how he went to Camp David and briefed the President of the United States on how he intended to conduct an air campaign to prepare the battlefield in Kuwait and Iraq. I am not campaigning for a trip to Camp David, but there was a case to be made for an air campaign, and airmen should have made that case.

When this does not occur, as he claims it did not in Allied Force, we end up with random bombing of military targets, thereby undermining the goal of effects-based targeting. He has claimed that if he had been allowed to "go downtown" and bomb targets in Belgrade immediately, he could have shortened the war by four weeks. Moreover, he has concluded that civilian policymakers not only do not understand air power, but should not hamper operations once committed. He further elaborated in his speech to the Air Force Association: "Our politicians need to understand that we will do our best to make air power clean and painless as they want us to, but it is not going to work out that way. . . . When they choose to employ us, to take us to war, when they choose to use military force to solve a problem that politicians could not, then they need to grit their teeth and stay with us." He decries the ad hoc campaign of Allied Force, which in his assessment was executed like a pick-up game:

> Our targeting philosophy clearly has to be agreed upon before we start. . . . We need to have agreed how we intend to employ our forces. I am not so naïve as to believe that we will be able to execute an air campaign just because our nation wants to. But we need to have made that case, and if that case is not accepted, we need to have a fallback plan that works and gets it done. Again, we don't want to do this by happenstance. We want to do it by design.

Perhaps his harshest criticism has been an oft repeated line to his superiors in the name of his pilots: "Sir, don't risk lives to demonstrate resolve."

General John Jumper, who commanded U.S. Air Forces in Europe during Allied Force and is now the commander of Air Combat Command, has voiced similar criticisms. In a recent speech at an Air Force conference, he called the 1990s the "era of the limited objective," with military operations fraught with caution and half-measures. He compared the operation order of General Eisenhower for the Normandy invasion in World War II to the complicated and vague guidance governing Kosovo. Eisenhower ordered his subordinates, "You will enter the continent of Europe and, in conjunction with the other United Nations, undertake operations aimed at the heart of Germany and the destruction of her armed forces."

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Admiral Leighton Smith, now retired and the former commander of NATO forces in the Balkans, declared soon after Allied Force that it was "possibly the worst way we employed our military forces in history." During the air campaign, another unnamed general referred back to Operation Instant Thunder, the initial plan for the Gulf War, complaining, "This is not Instant Thunder, it's more like Constant Drizzle." There was a feeling among many in the military that the erratic pace of the campaign, especially with the target approval process, was undermining its effectiveness.

This criticism is useful, but it should not be read as a case of civilian micromanagement or ignorance about the efficacy of air power. Such criticism instead should illuminate the many challenges of fighting as a coalition, of the changes technology has wrought, and of the unique circumstances surrounding the use of force in Kosovo.

Technology changes things

TECHNOLOGY HAS CHANGED warfare in many ways, but among the most significant is the ability for all levels of authority to scrutinize and to involve themselves in the battle itself. Those of us who flew in Allied Force were acutely aware of such scrutiny. Looking back, if a pilot in Vietnam was given a target to attack, he flew the mission and debriefed his flight not unlike a mission in Allied Force. The difference is that the debriefing during Vietnam would have been only the pilot's recollection of events. Today we have the ability to reconstruct what happened, often with precise detail.

For instance, during one mission in Allied Force the crew flying an F-15E Strike Eagle was given the target of a bridge near Nis in Serbia. The weapon was an AGM-130, a propelled 2,000 pound bomb that is dropped more than 20 miles from the target and is guided via television data-link from the cockpit of the aircraft. The mission was a success; the bridge was destroyed. Tragically, there was a passenger train crossing the bridge when the bomb struck, and the post-flight video shows exactly that. As a result of that attack, as General Short testified before the Senate Armed Services Committee in October 1999, "the guidance for attacking bridges in the future was: You will no longer attack bridges in daylight, you will no longer attack bridges on weekends or market days or holidays. In fact, you will only attack bridges between 10 o'clock at night and 4 o'clock in the morning."

This technological fact of life simply has to be taken into account. In April 2000, in a speech to DFI International, General Jumper summarized the situation well: "Here we put this young man in this situation where he knows that this bomb is enroute to the target, and the videotape that is recording in the cockpit is running, that an hour after he leaves that tape is going to be graded by the Commander of the United States Air Forces in

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Europe, the Supreme Allied Commander Europe, and probably the President of the United States." We cannot brush aside this dilemma with the simple admonition to "let the warfighters fight." Such carte blanche is impossible given today's technology. Hasty reactions in response to information about bomb damage, like the one to which General Short referred, may or may not be appropriate, but unless this technological reality is addressed, reasoned decisions about targeting will be harder to make.

Vietnam

THE VIEW OF Vietnam among many in the Air Force was summarized by Lieutenant General Short in an interview with the PBS program *Frontline* soon after the Kosovo campaign: "for years [in Vietnam] we bombed a little bit, and then we backed off, and . . . had pauses, and so on. Then finally we sent the B-52s north around January of 1973, and lo and behold, we brought them to the table." This has led to a common belief among airmen that the U.S. might have won the war in Vietnam had they been allowed to run it. It also misrepresents what occurred in Vietnam.

The Vietnam War saw two major air campaigns against the North — Rolling Thunder (March 2, 1965 to October 31, 1968), and the two Linebacker campaigns, Linebacker I (May 10, 1972 to October 23, 1972), and Linebacker II (December 18-29, 1972). Rolling Thunder failed, and the Linebackers succeeded in forcing concessions. The failure of Rolling Thunder and the success of the Linebackers was not related to a civil-military disagreement that was suddenly overcome under President Nixon. It had to do with the nature of the war and the specific goals sought.

Until March 1972, the North waged a guerrilla war against the South, a war that was not vulnerable to air attack and that required few external supplies, thus negating efforts at air interdiction. In 1972, the North decided to wage a sustained conventional war, which required continuous and vast logistical support that was vulnerable to air attack. This is the primary reason the bombing in 1972 worked and the bombing in the late 1960s did not.

There never was a fundamental disagreement between the military and civilian policymakers over air planning in Vietnam, even during the failed Rolling Thunder. Unfortunately, the Rolling Thunder strategy under President Lyndon Johnson is often mistakenly characterized as a failure undermined by divergent strategies advocated by the civilian and military leadership: the military continually advocating more bombing and the civilians pushing for a more restrained policy of gradualism. That assessment is incorrect, as is thoroughly documented by Robert A. Pape in his book *Bombing to Win: Air Power and Coercion in War* (1996). Both air commanders and civilian policymakers remained convinced throughout the three

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and a half years of Rolling Thunder that the bombing would ultimately compel the North Vietnamese to stop fighting.

Pape discusses Rolling Thunder in considerable detail. Three different and competing air strategies were tried in succession, each advocated by different constituencies in the administration and the military. The first strategy was one of coercing North Vietnam by threatening its population and economy, through limited bombing of its industrial economy and population with gradually increasing risk. This was advocated by Defense Secretary McNamara, his assistant John McNaughton, Joint Chiefs of Staff Chairman Maxwell Taylor, Director of Central Intelligence John McCone, Ambassador Henry Cabot Lodge, Deputy National Security Advisor Walt W. Rostow, and Assistant Secretary of State William Bundy. The strategy was executed throughout the spring and summer of 1965, and bombing focused on a list of fixed targets. In *The Pentagon Papers,* General Taylor summed up this strategy as "a gradual, orchestrated acceleration of tempo measured in terms of frequency, size, number and/or geographic location. . . . An upward trend in any or all of these forms of intensity will convey signals which, in combination, should present to the DRV (Democratic Republic of Vietnam) leaders a vision of inevitable, ultimate destruction if they do not change their ways."

It is a myth that the involvement of President Johnson and his advisors in selecting targets undermined Rolling Thunder.

The second strategy during Rolling Thunder was the interdiction of North Vietnamese forces, an effort to directly target the fielded forces and prevent their combat capabilities in the South. Chairman of the Joint Chiefs General Earle G. Wheeler was the primary advocate of this strategy. He replaced Taylor in August 1964. This strategy was also supported by Army Chief of Staff General Harold K. Johnson and theater commanders General William Momyer and Admiral U.S. Grant Sharp. This strategy was pursued from summer 1965 through the winter 1966-67. Strike aircraft were tasked with air interdiction in an effort to disrupt the North's infiltration of men and supplies. Pilots were given complete freedom for armed reconnaissance and reattacks of previously struck targets throughout North Vietnam, except for small areas around Hanoi, Haiphong, and the Chinese border.

The third strategy tried was that of Air Force Chief of Staff General Curtis E. LeMay with the assistance of his successor, General John P. McConnell. The air strikes focused on civilian vulnerabilities and aimed at raising the immediate costs of the war for North Vietnam, rather than trying to focus Hanoi on future risks. Most of the political constraints on bombing were removed. This strategy was executed from the spring to fall 1967. By

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the end of 1967, "the only remaining possibilities for increased military action against the North were mining and bombing of ports, bombing dikes and locks, and a land invasion of the North," according to a 1968 CIA study titled "Effectiveness of the Air Campaign Against North Vietnam."

It is a myth that the involvement of President Johnson and his advisors in selecting targets undermined Rolling Thunder. On the whole, it was not seen by the military as an ineffective approach. Nor is such detailed civilian control inappropriate. The lessons from the air campaigns of Vietnam are the ineffectual strategies chosen by both the military leaders and civilian policymakers, not a disagreement between the two.

Desert Storm

TO MANY IN THE military, Operation Desert Storm was a textbook case of how to conduct a military operation. It had an easily defined objective — kicking Iraq out of Kuwait. There was broad political guidance given by civilian decision makers, and from that guidance the military commanders were allowed to design a campaign without further meddling. In contrast to Vietnam, where American politicians directed the incremental and restricted use of force without clearly stated political objectives, in Iraq the commanders were allowed to use decisive and overwhelming force with few restrictions and for clear purposes.

This view is probably overstated, and it misrepresents both the strategic realities of Vietnam and the implausible confluence of circumstances surrounding the Gulf War. In Vietnam, there was a constant fear of provoking a Soviet or Chinese intervention. No such threat existed in 1991. Although targets were not picked in the White House during Desert Storm, neither were air planners given carte blanche to plan and conduct the campaign.

In fact, two days before the beginning of the air campaign, Secretary of State James Baker and Under Secretary of State for Political Affairs Robert Kimmitt went over the target list with Secretary of Defense Dick Cheney and Chairman of the Joint Chiefs General Colin Powell. In a conference at the American Enterprise Institute in December 1991, Kimmitt said about that meeting, "It was very clear to both Secretary Baker and me . . . that those political considerations that had been expressed, both at the Cabinet level and [in the NSC Deputies Committee], had been well taken into account, and we both left the meeting very comfortable from a political perspective." Such a comment speaks to the close and mutually respectful working relationship between civilian decision makers and the military, not to a supposed absence of meddling by civilians.

There were also instances of civilian involvement in the details of the air campaign. The Al Firdos bunker incident is a useful illustration of the restraints that will always be placed on the waging of war. By the first week of February 1991, three weeks into the air campaign, a network of potential

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command post bunkers that had not hitherto been targeted began to gain the attention of several intelligence analysts. They began to collect SIGINT — signals intelligence — emanating from the vicinity of the Al Firdos bunker in southwest Baghdad. Analysts believed that it was being used by the Iraqi secret police. The bunker went on the target list, and two F-117s struck it the night of February 13. It is estimated that 204 civilians, all of whom had sought shelter in the bunker, perished in the attack.

Rick Atkinson, in his book, *Crusade: The Untold Story of the Persian Gulf War* (1993), detailed the aftermath of the incident. General Powell and Rear Admiral Mike McConnell, intelligence director for the Joint Staff, went to the White House and defended the selection of the target to President Bush. Powell made it a policy thereafter to review all sorties proposed against the Iraqi capital. General Norman Schwarzkopf, the commander in chief of Central Command, also required from then on that the air planners justify every mission in Baghdad beforehand, orally at first, and then in writing. In the remaining two weeks of the war, according to the Pentagon's *Gulf War Air Power Survey* (1993), only five targets were struck in Baghdad, all carefully chosen, as compared to 25 targets struck during the two previous weeks.

Desert Storm was the easy case, and therefore it might not be the best example for future wars.

Another illustration of the sometimes detailed civilian jurisdiction over air planning was the search for Scud missile launchers in Iraq. Only hours into the air campaign, Iraq launched several Scuds at Tel Aviv, Israel. American leaders from President Bush to Secretary Baker were working to persuade Israel to show restraint and not retaliate. Part of the argument they laid out for Israeli officials was that there was nothing Israel's air force could do that the American air force was not already doing. President Bush himself pledged a relentless American effort to destroy the Scud sites. The order to suppress the Scuds was driven by Washington, not by the air planners in Riyadh. Air planners in Washington, even General Schwarzkopf himself, worried privately that the effort to destroy Scuds would hinder the main effort of the air campaign, according to Atkinson in *Crusade*.

This was a contentious issue during the opening days of the air campaign, even leading to a heated exchange between General Powell and General Schwarzkopf, Schwarzkopf complaining of Washington meddling. But the guidance did not change. In fact, a team of U.S. photo specialists was dispatched to Israel to help interpret satellite images and recommend targets for American pilots. The initial air campaign plan designated 24 F-15E Strike Eagles to suppress mobile Scud launchers. Eventually the number of aircraft would triple, involving both F-16 Fighting Falcons and A-10 Warthogs. Daily detailed accounts of Scud-hunting activities were sent to Secretary

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Cheney at the Pentagon. Atkinson revealed that a plan was readied to divert nearly all allied aircraft for three days of attacks against any site in western Iraq that could even remotely support Scud operations, although it was never carried out.

The relative goodwill during Desert Storm between military air planners and their civilian masters is the result of the unique circumstances of the Gulf War, not of a framework in which the civilians gave policy guidance and then butted out. First, there was a strong consensus among all countries involved, both at the military and political level, about the objectives of the war. There were almost no instances of cold feet among allies or political leaders in the United States. Second, there was little disagreement about how the air campaign should be carried out, unlike in Vietnam and Allied Force. Both the air planners and the civilians in the White House were generally in agreement about the conduct of the campaign, with the mild exception of Scud hunting. Third, the environment of Iraq made for a much easier air campaign than any might have foreseen or than we can anticipate in the future. The jungles of Vietnam or the forests of Kosovo provided a much more difficult targeting problem than the deserts of Iraq, both from the perspective of the military effect of striking a target as well as collateral damage considerations. Desert Storm was the easy case, and therefore it might not be the best example for future wars.

Allied Force

ANY SERIOUS ANALYSIS of the 78-day bombing campaign for Kosovo must begin by considering the circumstances leading up to the decision to bomb Serbia. The agreement reached in October 1998 between Serbian President Slobodan Milosevic and U.S. envoy Richard Holbrooke was seen as a vehicle to buy time to reach a political settlement before the resumption of fighting that was expected in April. On January 15, 1999, Serb paramilitary and armed forces massacred at least 45 people in Racak in southern Kosovo, blatantly violating the October agreement. This proved to be a turning point for the U.S. and NATO, although the NATO allies, with few exceptions, were not yet prepared to take military action. Finally, as military action appeared to be imminent after the talks failed at Rambouillet, there was widespread belief within the Clinton administration, among the NATO allies, and even in the military itself that decisive military action was not required. Most believed that a few days of bombing would coerce Milosevic to agree to a political deal. Secretary of State Madeleine Albright herself stated on the first night of the war on the *Newshour with Jim Lehrer*, "I don't see this as a long-term operation." They expected something similar to Operation Deliberate Force, the successful two-week limited bombing of Bosnia in September 1996 that eventually led to the Dayton peace accord.

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Unquestionably, there were also doubts inside both the military and the administration about the probability of successfully coercing Milosevic after only a few days of strikes. Shortly before the air campaign, the service chiefs testified before the Senate Armed Services Committee and voiced their skepticism over whether air strikes by themselves would compel Milosevic. But there was also a recognition by all involved that the imperatives of consensus politics, keeping all 19 allies on board, ruled out a classic, decisive air campaign initially, much less a ground campaign. As General Clark admitted after the campaign on PBS *Frontline*, "no set of targets, and no bombing series was more important than maintaining the consensus of NATO." When seen in this light, it becomes apparent that the choice was not one between overwhelming force and lesser force, but between lesser force and no force at all.

The choice was not one between overwhelming force and lesser force, but between lesser force and no force at all.

So the middle ground was tried initially. Had it worked, there would have been little discussion about the air strategy that was chosen. Ben Lambeth, in his book *The Transformation of American Air Power* (2000), describes the air campaign. The first night, March 24, 1999, saw 120 strike sorties attack 40 Serbian targets. After a few days of the air campaign, it became apparent that Milosevic was not going to sue for peace, and General Clark received authorization from the North Atlantic Council to ramp up attacks against a broader spectrum of fixed targets in Serbia and fielded forces in Kosovo.

During the fourth week of the campaign, targeting efforts began to focus not just on the fielded Kosovo forces but also on Milosevic's political machine — the media, the security forces, and the economic system — with approval given for such targets as national oil refineries, railway lines, road and rail bridges over the Danube, military communications sites, and factories capable of producing weapons and spare parts. By the end of the sixth week of the campaign, the bombing of infrastructure targets had cut Yugoslavia's economic output capability by half and had left more than 100,000 civilians out of jobs. Finally, during the last two weeks of the campaign, Serbia's electrical power-generating capacity was struck.

This escalation took place despite numerous obstacles: the reluctance of several alliance members; the process of sorting out procedures, authorities, and concepts of operations that had great effect on the target approval process; the lack of forces initially in the theater; the hesitation of the U.S. administration and the Joint Staff to escalate; and finally, the division among those in the U.S. military itself over the most appropriate targeting strategy. In fact, the disagreement within the military over strategy may have hampered the effectiveness of the air campaign more than any other factor.

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General Clark and Lieutenant General Short had a fundamental difference of opinion about the appropriate focus of the bombing. Clark believed the Serbian Third Army, the fielded forces in Kosovo, should be the focus of the effort, while Short believed this to be a waste of valuable munitions and sorties. Instead, Short advocated bombing strategic targets that were valuable to Milosevic. The theory goes that these targets are the Achilles' heel of the enemy, that if destroyed the central leadership will be isolated and the enemy's military will collapse under light military pressure without guidance from above. In Allied Force, these targets were Milosevic, his cronies, and the industries and buildings they personally valued, such as counterintelligence facilities, headquarters of security forces and loyal military units, and related communications facilities. The result was a somewhat ad hoc campaign in the initial stages, with Clark's priorities generally prevailing, but one which eventually saw the expansion of all target sets throughout Kosovo and Serbia.

They ultimately found common ground, they stayed the course, and they prevailed.

The air campaign also suffered several missteps that certainly hampered the achievement of an aggressive and uninterrupted strategy: the unfortunate bombing of a refugee column on April 14, the mistaken bombing of the Chinese embassy on May 7, and that tragic strike on the bridge over the Nis River when a passenger train was crossing. Despite all these setbacks, the air campaign proceeded and escalated rapidly.

This is not to say that it was the most effective strategy, but that the relationship between the alliance members, within the military itself, and between military and civilian policymakers proved a workable one over time. They ultimately found common ground, they stayed the course, and they prevailed. That a gradual, incremental strategy is not the most efficient use of air power may not be as important as remembering that efficiency must sometimes be subordinated to political considerations. Those political considerations must be balanced against doctrine. That balancing act requires a close working relationship and frank dialogue between civilian policymakers and military professionals.

General Short himself has admitted that the dialogue that took place about the conduct of the air campaign was a frank one. After the conflict, in his testimony before the Senate Armed Services Committee, he stated, "Certainly there are things that I believe could have been done differently, and I was given every opportunity to speak with my senior leadership about that. At no time was I prevented from expressing my thoughts." And as General Clark stated on *Frontline* after the campaign, "Once we crossed the threshold with the use of force, then my military colleagues and I had to speak up, and drive it toward the effective use of force."

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The lessons of Kosovo are not to decry the incremental strategy or to bridle at political restrictions, but instead to recognize that such limitations will always exist. Members of the military must not allow themselves to be fooled into believing it is "us" (the military) versus "them" (the politicians). If the military looks only with disdain on civilians whose professional lives have not, after all, focused on air campaign planning, the conduct of military operations will be hampered. The simplistic slogan "let the warfighters fight" is useless nostalgia for an era that never existed. Allied Force featured lots of scrutiny, lots of argument about which targets should be hit in what order, and the political ramifications of each strike. That is the way it should be.

The notion that it is inappropriate for civilian leaders to involve themselves in the details of military operations is pervasive in the military. It is also misguided. Rules of engagement and target selection will always be required to conform to political objectives. Those political objectives are articulated by civilians (who, to be sure, should know when to show restraint). In the end, only a candid and forthright civil-military relationship characterized by a shared sense of purpose will yield sound wartime policy.

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BOOKS

Wishing Away The Culture War

By STANLEY KURTZ

ALAN WOLFE. *Moral Freedom: The Impossible Idea That Defines the Way We Live Now*. W.W. NORTON & COMPANY. 256 PAGES. $24.95

IN FEBRUARY 1999, stunned by President Clinton's acquittal in the Senate, conservative activist Paul Weyrich attracted national attention by issuing a public admission of defeat in the culture war. "I no longer believe that there is a moral majority," said Weyrich. In a letter to fellow conservatives, Weyrich described "a cultural collapse of historic proportions, a collapse so great that it simply overwhelms politics." It might be time to "drop out of this culture," said Weyrich, perhaps even time to abandon efforts to influence the American political process.

Two years later, Weyrich's weekly meetings of conservative activists are regularly attended by high level representatives of the Bush administration. Weyrich describes efforts by Bush aides to address his group's concerns as "far superior" even to such attempts during the Reagan administration. There's a reason for Weyrich's change of mood. President Bush's political advisors have concluded that religious conservatives like Weyrich are the key to forging a winning political coalition. President Bush won last year's election largely on the strength of votes from the 57 percent of Americans, many of them religious, who described the "moral climate of the country" as "seriously off on the wrong track."

The great strength of sociologist Alan Wolfe's book, *Moral Freedom: The Impossible Idea That Defines the Way We Live Now*, is that it helps us to make sense of Weyrich's moment of despair in the wake of President Clinton's acquittal. Such illumination is to be expected from Wolfe, director of the Boisi Center for Religion and American Public Life at Boston College, contributing editor of the *New Republic*, and one of America's leading public intellectuals. As author of numerous books, including the recent and widely acclaimed *One Nation After All* (which, like *Moral Freedom*, supplies sociological backing for the intuitive sense of some people that America's culture war is coming to an end), Wolfe is among the most prolific and perceptive sociological students of contemporary America. Yet the great weakness of Wolfe's *Moral Freedom* is that, for all the light it sheds on the despair of Weyrich and his fellow conservatives at the moment of President Clinton's acquittal, the book cannot make sense

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of Weyrich's turnaround.

According to Wolfe, the moral freedom that now dominates our culture allows individuals to "determine for themselves what it means to lead a good and virtuous life." Under the regime of moral freedom, "any form of higher authority has to tailor its demands to the needs of real people." Moral freedom's adherents frown upon public shaming or harsh judgments of any sort about the moral decisions of others. (Of course, this disapproval of disapproval is itself a form of moral judgment.) Nowhere is the self-government so central to moral freedom more important than in matters sexual. Under conditions of moral freedom, even young people manage their own sexuality. How much more so a president?

It's easy enough to see how a spirit of moral freedom might have led not only to President Clinton's acquittal, but also to the heaping of opprobrium upon independent counsel Kenneth Starr. But how are we to account for the public backlash against President Clinton's behavior during the last presidential campaign or the subsequent return of social conservatives to political influence? The trouble with *Moral Freedom* is that Wolfe's interest in trumpeting a massive cultural shift away from traditional morality prevents him from acknowledging or exploring the changing, but still critically important, place of traditional morality in our new cultural system.

THE BEST WAY into *Moral Freedom* may be through the book's stirring conclusion. There, Wolfe performs a brilliant feat of intellectual jiu-jitsu on that master theorist of American culture, Alexis de Tocqueville. Recognizing the inevitability of democracy's triumph, Tocqueville, the scion of aristocrats killed or jailed in the French Revolution, willingly embraced liberalism. Refusing to join the efforts of his friends and family to restore the old regime, Tocqueville instead sought to strengthen democracy from within. Democratic man tends to be rootless, private, self-interested, and egalitarian to a fault. But the strength of America's family traditions, along with America's religiously based consensus on key moral issues, impressed Tocqueville as antidotes to democratic excess, and as models for European democracies of the future.

Yet now, with America's traditional family system, its religiously based moral consensus, and much else that Tocqueville had hoped could redeem or modify the liabilities of democracy all swept aside by the advent of moral freedom, Wolfe in effect turns to the spirit of Tocqueville and utters the following challenge: Moral freedom is as inevitable in our day as democracy was in yours. Will you not therefore accept the democratization of morality, as you once accepted the democratization of politics?

Wolfe goes farther still. His book is an extended argument for the proposition that the advent of the radically private and relativized moral world that Tocqueville warned against is not nearly so troubling as Tocqueville had feared. Moral freedom, argues Wolfe, has many redeeming features, and is far from the moral anarchy with which its detractors equate it. And if moral freedom is both inevitable and desirable, then on Tocquevillian grounds, even its

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Tocquevillian foes must embrace it — or at least accept and make the best of it. Thus does Wolfe turn Tocqueville against himself.

But is Wolfe's belief in the inevitability of moral freedom justified? Wolfe is a gifted sociologist, and his dazzling command of the sociological literature on American culture (from classics like David Riesman's *The Lonely Crowd* and C. Wright Mills's *The Power Elite*, to more recent studies like James Davison Hunter's *The Death of Character*) enriches *Moral Freedom* at every point. Yet, oddly, there is something fundamentally unsociological about this book. Although Wolfe announces the inevitability of moral freedom, he nowhere provides an account of either the social forces that have brought contemporary moral tolerance to dominance, or the forces that have stood in the way — and may still stand in the way — of moral freedom's complete triumph. Instead, Wolfe offers an account of moral freedom's ascent that resembles the theories of those nineteenth century anthropologists who speculated on stages of social evolution. Wolfe sees moral freedom as freedom's third great age — its final and most radical stage. For Wolfe, the age of moral freedom succeeds the nineteenth century triumph of economic freedom and the twentieth century victory of political freedom. And just as economic and political freedom extinguished their greatest foes, so too, says Wolfe, will moral freedom.

Assuming that moral freedom's opponents face certain extinction, Wolfe paints conservative social critics such as William Bennett and Gertrude Himmelfarb as the doomed aristocrats of the present. The analogy is questionable. Aristocratic privilege was part of a complex and interlocking total social system. Once feudal bonds between the aristocracy and the peasantry had been swept aside, restoration became impossible short of a radical counterrevolution. Tocqueville, for example, singled out America's legal rejection of primogeniture as a structural key to democracy's inevitable triumph. Without the ability to concentrate wealth, power, and title in the first-born son, an indispensable social prerequisite of aristocracy had effectively been destroyed.

What if many of the redemptive elements of moral freedom touted by Wolfe are actually rooted in moral traditions that have not died and cannot die without taking moral freedom to the grave also?

The social underpinnings of contemporary cultural conservatism are by no means subject to that sort of all-or-nothing choice. And this raises an interesting possibility. Wolfe is describing the triumph of a surprisingly moderate and palatable form of moral freedom — a new cultural framework slowly pushing out its antiquated predecessors. But what if many of the redemp-

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tive elements of moral freedom touted by Wolfe are actually rooted in moral traditions that have not died and cannot die without taking moral freedom to the grave also? In that case, the conservative social critic is no doomed aristocrat, but a permanent and necessary fixture of the new social order. And that, in turn, would mean that our contemporary culture war, rather than being a decisive struggle from which moral freedom will emerge the victor, with traditional morality the vanquished, is actually the signature feature of this new moral era — an era in which moral freedom and moral traditionalism will alternately reconcile, merge, and vie for dominance. Perhaps instead of the dawning of the age of moral freedom, we are witnessing the onset of a permanent and inconclusive culture war.

Wolfe, of course, understands that a considerable amount of moral disagreement exists in contemporary America. Yet he argues that a substantial consensus on what we might call America's implicit moral philosophy underlies these relatively superficial disagreements. That consensus, Wolfe regularly reminds us, generally excludes moral traditionalism. So beneath the clack and clatter of the culture war, Wolfe sees Americans moving en masse away from social conservatism and toward a moderate form of moral freedom.

But the evidence for Wolfe's argument is weak. In constructing his picture of America's implicit moral philosophy, Wolfe relies on two key sources — a public opinion poll he helped to design (in conjunction with the *New York Times*) and a series of in-depth interviews with Americans living in eight distinct communities, each of which was presumed to represent a particular slice of the American experience. The interviews yield rich data, which Wolfe interprets with subtlety and insight. But the survey questions are blunt and potentially misleading instruments of social research, and they play all too great a role in shaping Wolfe's conclusions.

For example, respondents to Wolfe's survey were asked to agree or disagree, at varying levels of intensity, with the following statement: "In my opinion, a person is either born good or bad and there is not much society can do to change that." Only three of Wolfe's 209 respondents strongly agreed with that statement, two of whom, as born-again Christians, interpreted the statement as an affirmation of man's inherently sinful nature. From this lopsided result, Wolfe concludes that, with the exception of a few traditionalists, the vast majority of Americans share a common view of human nature. According to that view, the mind at birth is essentially a blank slate. Human beings can therefore be taught to act well, and are by no means intrinsically sinful.

Wolfe is struck by the fact that few of even the born-again Christians in his survey strongly agreed with the claim that people are born either good or bad. For Wolfe, this means that even cultural conservatives have fallen under the penumbra of moral freedom. But the statement from Wolfe's survey is a very poor representation of a traditional religious view of human nature. For one thing, the survey statement contends that people are born either good

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or bad. That is certainly not consistent with the notion of original sin. And the blanket claim that society can do little to change a person's inborn disposition is not consistent, even with Wolfe's own description, elsewhere in the book, of the traditional view — which insists that moral authorities like parents, churches, and schools need to channel a human nature, which is otherwise inclined to do bad, toward right action.

So most thoughtful traditionalists, rather than accepting Wolfe's survey statement about people marked permanently at birth as either good or bad, would have to reject it as unfounded. Yet Wolfe takes the strong agreement of a mere two born-again Christians (who ignored the contradictions, and loosely adapted the statement to their own religious framework) as pivotal evidence of the unpopularity of traditional morality in contemporary America.

This is not an isolated problem. To find out whether Americans have moved "beyond good and evil," for example, Wolfe asked his respondents to identify individuals who were either evil or saintly. What he found was tremendous reluctance to classify anyone, other than a few famous (or infamous) historical figures, as unequivocally base or pure. Wolfe was also impressed by the fact that only 7 percent of his survey's respondents ever pray for something bad to happen to someone. But none of this seems surprising. If Wolfe had asked people to speak about righteous or sinful *actions*, rather than to identify evil or saintly *individuals*, he would likely have gotten different results. Many a religious traditionalist leaves it up to God or the Church to finally condemn a given individual as irredeemably sinful — or to raise another to sainthood. Sainthood, in any case, is supposed to be rare. It's hardly shocking that few claim to know a bona fide saint. Traditionalists speak more often of evil actions than of evil people (as in the well-used phrase, "love the sinner, hate the sin"). We are all sinners, after all; yet all of us may be saved.

And remarkably, Wolfe dismisses, as misguided, responses from a number of his interviewees who actually did speak of evil actions by an ex-spouse, boss, or lover. For Wolfe, by conflating the notion of evil with someone who had hurt them personally, these respondents had effectively rendered the concept of evil meaningless. Yet here Wolfe illustrates, not the collapse of moral traditionalism, but his own inability to empathize with Americans who take the notion of evil or sinful action in everyday life seriously. No doubt, Wolfe is correct when he claims that many Americans have moved "beyond good and evil." But his problematic survey questions make it impossible to draw up a nuanced and reasonable assessment of just how far beyond good and evil Americans really are. Wolfe's survey questions — and his manner of interpreting them — effectively caricature and marginalize traditional moral views.

It would be unfair to leave an assessment of *Moral Freedom* at that. Wolfe interprets the rich material drawn from his many in-depth interviews with brilliance and subtlety, and his capacity to make revealing connections between the everyday talk of ordinary people and larger moral and philosophical

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debates is unsurpassed. His insights into the quasi-religious nature of popular appeals to the scientific literature on evolutionary psychology, for example, are both striking and dead-on.

Yet nearly all the richness and complexity of Wolfe's chapter on the moral philosophy of Americans cuts against his central point. Wolfe does a wonderful job, for example, of showing how disagreements among Americans on questions of biological causation play into disputes over hot-button cultural issues like homosexuality and addiction. Despite his claims of an "overwhelming consensus" among Americans on the idea of the mind as a "blank slate," what Wolfe actually demonstrates is the existence of a wide variety of clashing views, many or most of which invoke combinations of nature and nurture. Yet Wolfe treats all of this variety as subtle shading within the larger framework of consensus supposedly established by the answers to his survey questions. The truth is, the survey-based claim of an emerging cultural consensus from which conservatives are excluded is anything but established, while the richer picture of moral-philosophical variety and conflict that derives from Wolfe's open-ended interviews is convincing.

Wolfe does, of course, succeed in finding some common moral assumptions among America's contending cultural camps. He is certainly right that, in distant resemblance to America's contemporary moral individualists, even the most conservative born-again Christians craft highly individualized tales of personal salvation that stress the importance of free moral choice. It's true that the emphasis on individual choice that characterizes contemporary moral freedom is a radicalized derivative of classic Christian individualism. But that link, while important and interesting, does nothing to gainsay the intractable nature of the divisions that constitute America's culture war. Shared cultural assumptions do not make war impossible. On the contrary, they actually set the terms within which lasting disagreement takes place.

But if Wolfe overestimates the reach and significance of our cultural consensus while underestimating the ongoing power of traditional moral attitudes, the deeper problem remains his failure to explore the social bases of either moral freedom or moral tradition. His attempt to evaluate the advantages and disadvantages of the old or the new cultural stances is incomplete without it.

Consider the newfound reluctance of Americans to pass judgment on their neighbors' moral decisions. For Wolfe, our modern hesitation to shame or condemn is not moral cowardice; it is a becoming form of humility. Victorians had the virtue of moral self-confidence, but Americans under the regime of moral freedom, says Wolfe, have the counter-virtue of moral modesty. But this contest of virtues does nothing to explain the underlying cultural change, which has not come about because Americans suddenly became either moral cowards or paragons of humility. The older moral certainties were the product of a society in which people played an intimate part in their neighbors' lives — not just as agents of shame, but as willing helpers in life's fundamental tasks. Alan Ehrenhalt's important book, *The Lost City: The Forgotten Virtues of Community in America*, shows how strong such com-

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munities of mutual assistance were in America, even as late as the 1950s. It is the breakdown of these communities that accounts for our contemporary reluctance to judge others morally, and knowing this must color our assessment of the older and newer moral modes. From the perspective of moral freedom, traditional moral judgments seem cruel and arrogant. But these judgments make sense within communities of mutual assistance — where extended family members and neighbors are willing to sacrifice for one another's sake, but quite reasonably hold to account those who renege on their own obligations to their fellows. The advantage of the new moral mode is clearly the freedom that it confers. Inevitably, however, the acolytes of moral freedom must live a life of relative isolation.

So the critical question is how far we can expect the breakdown of community to go. If there are limits to the human ability to live in isolation, then there are limits to moral freedom. It is true, as Tocqueville first noted, that nearly every major technological innovation or social reform from the middle ages on seems to have cut against old social hierarchies and strengthened egalitarian individualism. But there is reason to believe that there are limits to the democratizing process. It is no accident that the era of moral freedom came last, well after the ages of economic and political freedom. The very factors that slowed moral freedom's advent will block its unchallenged ascendancy.

Our capacity for social atomization is limited, above all, by the nature of human childhood. Since it embodies, or requires from others, dependence, authority, hierarchy, loyalty, self-sacrifice, unequal love, and a raft of other illiberal dispositions, childhood is inherently undemocratic. Childhood requires reasonably stable families, and any stable social organization, however small or informal, entails rules of behavior, as well as explicit or implicit role hierarchies. The overwhelming social prevalence of heterosexuality and the ongoing existence of important differences in the attitudes of men and women toward sexuality and child-rearing also support traditional definitions of the family, and the complementary role-hierarchies within it. It is true that all of these breeders of hierarchy are presently under attack by a radicalized spirit of democracy. Yet it is anything but evident that democratizing tendencies can entirely drive out the traditional forms. Any claim on behalf of moral freedom's final victory is obliged to assess the possibility and likelihood of an entire repeal of the stigma against homosexuality, the elimination of the differences between the

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sexes, and the abolition of childhood. Short of all this, important elements of the traditional moral system will survive and continue to war with the new democratizing tendencies.

WOLFE IS unwilling to acknowledge the ongoing and inevitable power of these "conservative" social forces (e.g., childhood dependence, sexual complementarity, pervasive heterosexuality, the need for family stability), or the way in which moral freedom is forced to work both with and against them. He tries to handle the problem by stressing moral freedom's moderation — its openness to diverse moral modes. But this expanding definition of moral freedom becomes a way for him to evade the continuing significance of traditional moral forms. Moral freedom is an intrinsically partial phenomenon. It cannot stand alone, but only "rides" upon traditional morality, which it can loosen or modify, but never replace.

Consider one of Wolfe's best examples of moral freedom's moderation. Nancy Watkins, one of Wolfe's interviewees, is a fan of a self-help book called *Eat Dessert First*. The book itself, almost a caricature of the genre, tries to free up the reader's inner hedonist, while it rails against moralists as prudes and religious fanatics. But Nancy Watkins, although one of the book's boosters, is no hedonist. Raised in a strict conservative Christian environment, where dancing and trips to the movies were forbidden, Watkins uses *Eat Dessert First* to remind herself that self-indulgence has its place. And "place," Wolfe emphasizes, is the key word. Watkins does not altogether reject self-discipline, but under conditions of moral freedom, she reserves the right to decide for herself how to balance the conflicting imperatives of control and release.

The lesson Wolfe draws from all this is that conservative social critics, focusing only on books like *Eat Dessert First* — and not on the real people who actually read them — have unfairly caricatured the complex moral spirit of our day. Wolfe's point here is important and well-taken but is itself put into the service of a one-sided analysis. The moderation of people like Nancy Watkins cannot be understood under the rubric of moral freedom alone. It is true that moral freedom allows the individual to decide how to balance conflicting moral impulses. But a substantial portion of the moral imperatives being weighed for disposition by individuals come from traditional sources. Nancy Watkins's conservative Christian background is the necessary and preexisting field upon which *Eat Dessert First* must operate. Wolfe knows this — yet takes it for granted. And that is because were Wolfe to directly acknowledge and theorize the complex but necessary role of traditional moral constraints under the new cultural regime, he would need to rethink his attack on social conservatives.

One of the most interesting and important moments in *Moral Freedom* is Wolfe's account of a turn on the part of many American parents toward traditional religious schooling for their children. Many of these parents are themselves only moderately religious. In keeping with the ethos of moral freedom, they see the religious instruction offered by these schools as providing

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guidelines from which their children can choose — not strict prescriptions for action.

For Wolfe, the relaxed religiosity of these parents is a clear example of the new moral freedom. He is right about that. But the return to traditional religious schooling, with its old-fashioned practice of character formation, cannot be comprehended under the rubric of moral freedom alone. With the rise of the new religious schools, the nature of childhood has put a break upon the headlong rush toward uninhibited moral choice. Here in the era of moral freedom, schools like Summerhill — that famous "free school" of the 1960s — are nowhere to be seen. Instead, tradition has made a comeback, if only partially.

And about the moderation embodied in that relaxed parental religiosity: The parents of some of the children in the newly popular religious schools may have an easygoing attitude toward faith, but someone is staffing and directing those schools. Many of them (and a significant number of the parents) take their religion very seriously indeed. You can bet that many of the people who operate and patronize these schools are buying William Bennett's *Book of Virtues*, a volume which Wolfe is far too quick to dismiss when he ought instead to be making sense of its appeal.

THE CONCEPT of moral freedom cannot, by itself, elucidate the complex cultural situation we now face. We are living at the conjunction of two contradictory moral modes, neither of which can gain ascendancy over the other, and each of which tends to bring about its opposite. These modes can reach a temporary truce, as when even religiously lax parents send their children to traditional religious schools. Yet on a given issue, and in a given context, there is always the potential for war. Under these conditions, conservative cultural critics will be a permanent fixture, yet will also be permanently frustrated by their inability to provoke a full-fledged restoration of the status quo ante.

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Alan Wolfe's book is an important and insightful but incomplete account of our contemporary moral world. In the end, the peregrinations of Paul Weyrich convey a more rounded sense of the scope of our new moral order. And should Weyrich's new moral majority become an electoral reality, do not expect the coalition to be a stable one. More likely, there will be just enough true believers to bring it into being and just enough of those morally free fellow travelers in the back pews to bring the whole movement crashing down again as soon as it starts getting what it wants.

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The Confirmation Process We Deserve

By Keith E. Whittington

Michael J. Gerhardt. *The Federal Appointments Process: A Constitutional and Historical Analysis.* Duke University Press. 416 pages. $37.95.

In the end, they (almost) all made it. Despite all the speculation and the saber rattling, President George W. Bush essentially got the Cabinet he wanted. Bush's success is, from one angle, surprising. He emerged victorious from one of the most unusual, lengthy, and contentious elections in American history. He is one of the very few presidents to have received less than a plurality of the popular vote, and he won by only the slimmest of electoral vote margins. Though the electoral contest was resolved in Bush's favor, many of his opponents continue to view his victory as illegitimate. At the same time, the president's party lost seats in the Senate. Extraordinarily, Republicans claimed control of the Senate only by virtue of their holding the vice presidency, the constitutionally designated presiding officer of the upper chamber of Congress. During the post-election struggle, there were numerous suggestions that the president should create a "coalition" Cabinet, yet Bush made only the most minimal gesture toward bipartisanship in his Cabinet selections. On its face, this does not seem like the setting for presidential success.

Nonetheless, the president succeeded in winning Senate approval for his choices of the individuals to manage the government. It would have been remarkable only if he had not. Statistically, it is even more rare for Cabinet-level appointments to be rejected by the Senate than for presidents to be elected without winning the popular vote. Four of the 43 presidents, or 9 percent, failed to win the popular vote. The Senate has only formally rejected nine of the over 700 such nominations, or 1 percent. Such statistics are somewhat misleading. A significant number of nominations failed without ever reaching a Senate vote. As Linda Chavez discovered, presidents are more likely to drop a troubled nomination than wait for the Senate to act. Even so, presidents can expect to make the Cabinet their own.

This is not to say that the appointment and confirmation process is an easy one. Presidents must exercise care in their choices in order to avoid later embarrassment. As John Ashcroft and many others can attest, the confirmation process can be a brutal one even for the successful nominee. For judicial nominees, especially nominees to the Supreme Court, the chances of confir-

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mation are not nearly so good. More than a sixth of the presidential choices for the Supreme Court have failed to win Senate approval. In recent years, the politics of appointments and confirmation seems to have become particularly bitter. The polarizing defeat of President Ronald Reagan's 1987 nomination of Judge Robert Bork to the Supreme Court has been taken by some as emblematic of everything that is wrong with the current process.

With *The Federal Appointments Process*, Michael J. Gerhardt has provided the most comprehensive analysis of the politics of appointment and confirmation since the 1953 publication of the classic *The Advice and Consent of the Senate* by the Berkeley political scientist Joseph Harris. Unfortunately, since the time Harris wrote, such comprehensive studies have gone out of fashion. Recent confirmation battles have motivated a number of targeted commentaries advocating reform, but no general analyses that can provide a broader perspective on the appointments process. Whereas such recent works have "generally failed to provide lasting insights," Gerhardt here sets out "to offer a different way of thinking about the federal appointments process, one that entails focusing on and illuminating the historical patterns and practices in the process."

Michael Gerhardt is particularly well positioned to offer such a study. A professor of law at William and Mary, he worked as a consultant to the Clinton transition and with the White House in support of the confirmation of Justice Stephen Breyer. Gerhardt is one of the few with bona fide scholarly credentials on federal impeachments (a second edition of his first book, *The Federal Impeachment Process*, was recently published). As a result, he was able to get a close look at the Clinton impeachment as the only joint witness to testify on impeachable offenses before the House Judiciary Committee and an expert commentator for CNN. There is a natural connection between the study of impeachments and appointments. Though the former are far more unusual, they represent the constitutional obverse of the appointments process. Gerhardt is one of the few constitutional scholars to focus attention on government officials other than judges and on the structural features of the political system rather than individual rights. In his hands, political analysis is a natural extension of constitutional analysis, and this book draws as much on political science and history as on traditional legal scholarship.

From a constitutional perspective, the appointments process raises some interesting issues. Most directly, it calls attention to the political implications of constitutional design. The structure of the appointments process affects the kinds of individuals who will staff the government and the quality of the government that the constitutional system creates. The constitutional rules governing appointments also help determine the relative political power of those who control the appointments. The appointments process, like the impeachment process, also gives a different perspective on the workings of constitutionalism. Constitutional phrases such as "advice and consent" and "high crimes and misdemeanors" are unlikely to be regarded as among

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the document's majestic generalities. Nonetheless, those bits of text provide only limited guidance to those who must implement the constitutional directives. The plain terms of the Constitution are importantly supplemented by an accumulated history of practices and norms that help give substantive content to the constitutional form.

In approaching the relationship between formal text and historical practice, Gerhardt connects his analysis to the historical institutionalist work in political science. As he observes, "historical institutionalism integrates history and institutional analysis with an appreciation of the strategies constitutional actors use to cultivate or develop legal and other norms to protect their respective prerogatives and to achieve their desired objectives." Political actors operate within a multi-layered institutional context that guides and constrains their choices, and some of those layers are of their own making. In unpacking those layers, Gerhardt avoids falling back on either a traditional constitutional analysis emphasizing the origin and original understandings of the Constitution's appointment and confirmation process or simple political analysis emphasizing current controversies. He instead draws attention to the historical developments and patterns that relate the early Constitution to modern politics. Though recognizing the importance of the two constitutionally designated actors in the appointments process, the president and the Senate, the book also gives appropriate attention to the other regular and important participants: the nominee, the public and organized interests, and the media.

The origins and basic structure of the appointments process favor presidential dominance, though that has been more evident in the twentieth century than the nineteenth. Though mistrustful of strong executives, the early state experience had already indicated to the Founders that legislative control over the appointment of government officials was unworkable. The scheme adopted in Philadelphia promised, in Madison's words, to "unite the advantage of responsibility in the Executive with the security afforded in the [Senate] ag[ain]st any incautious or corrupt nominations by the Executive." As Hamilton noted, the Senate "may defeat one choice of the Executive, and oblige him to make another; but they cannot themselves *choose* — they can only ratify or reject the choice he may have made." This arrangement works to the president's advantage. The very fact of nomination creates a presumption of qualification and confirmability, forcing opposing senators to bear the burden of demonstrating why a nominee should be rejected. Though the Senate can reject nominees for any reason whatsoever, a determined president with the bully pulpit and the ability to make successive nominations can expect to have a fair degree of success in staffing the government.

The question becomes how determined a president is to press his advantage and how narrowly he defines victory. Few presidents have been more determined, or stubborn, than was Andrew Jackson. The Senate defeated Jackson's nomination of Roger Taney twice, once for treasury secretary and once for associate justice, before

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Jackson was able to win confirmation of Taney for chief justice. The Senate defeated Jackson's nomination of Martin Van Buren to be minister to Great Britain a mere three months after it had confirmed him to be secretary of state, with Vice President John C. Calhoun casting the deciding vote against the president's nominee. Jackson struck back by selecting Van Buren as his running mate for his reelection campaign, gloating in a letter over the "glorious scene of Mr. Van Buren, once rejected by the Senate, sworn into office by Chief Justice Taney, who [had twice] been rejected by the factious Senate." Jackson had an unusual taste for combat. Most presidents are willing to be a bit more conciliatory, even as they win more than they lose. Richard Nixon may have been unable to place a Southern conservative on the court (in part because he faced a shallow pool of acceptable candidates), but he did eventually get his strict constructionist in the form of William Rehnquist. Robert Bork proved to be a lightning rod in the Senate, but Anthony Kennedy is a far cry from what the Senate's Democratic majority would have regarded as the optimal justice. On the other hand, Bill Clinton was notably uninterested in expending political capital on confirmation contests. As a consequence, the Senate had remarkable leeway to affect or block the president's choices for executive and judicial positions. Bush should be prepared not only for a Senate fight over his judicial nominations, but also for a few defeats. Success in winning confirmation for a justice with a conservative judicial philosophy will depend on the president's willingness to make judicial philosophy a priority over competing considerations and the administration's willingness and ability to nominate a string of highly qualified judicial conservatives and fight a political war of attrition. In such a contest, the executive has an inherent advantage over the Senate.

Early in the book, Gerhardt usefully sketches several important changes in the historical context of federal appointments. During an era when parties were viewed with suspicion, the early presidents were cautious about removing holdover executive officials and appointing their own loyalists. Thomas Jefferson, for example, announced a policy of only removing those Federalist appointees whose partisanship seemed so extreme as to interfere with their official duties and ultimately of dividing offices between the two parties in proportion with their share of the vote. By contrast, Andrew Jackson embraced the democratic credo that to the electoral victors go the spoils of office and "rotation in office," in which government employment would be temporary and officeholders would be rotated out along with the president. Jackson's own practice was less radical than his theory, but rotation and the "spoils system" soon became the norm. When James Buchanan succeeded fellow Democrat Franklin Pierce in 1856, one observer noted that "Pierce men are hunted down like wild beasts" to make way for Buchanan's appointments.

Through much of the nineteenth century the appointments process was at the heart of party organization and strength. This proved a burden as well as an opportunity for presidents, as

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each appointment required a delicate political calculation. The executive strengthened the political parties, but Congress was the heart and head of the parties. Legislators controlled the party nominating conventions that selected the presidents, and senators sat atop the locally based party organizations. Most federal appointments were for local offices, such as customhouses and post offices, and senatorial courtesy, enforced by the Senate's power of confirmation, meant that individual senators controlled the nominations to those offices.

When a group of senators went to the White House to protest an appointment, Garfield defiantly declared, "I do not propose to be dictated to." His defiance came at a price, as he died two weeks after being shot by a disappointed seeker of a consulate to Paris.

One aspect in President Andrew Johnson's impeachment was a fight over whether the president or the Senate would control executive offices. Johnson saved himself from removal by surrendering to Senate demands. President James Garfield seemed to regret leaving the Congress, complaining that "all these years I have been dealing with ideas, and here I am dealing only with persons." Garfield was one of a series of presidents who did battle with the Senate over control of executive offices, and particularly with Roscoe Conkling, the powerful head of the New York political machine and a Senate faction known as the Stalwarts. When a group of senators went to the White House to protest an appointment, Garfield defiantly declared, "I do not propose to be dictated to." His defiance came at a price, as he died two weeks after being shot by a disappointed seeker of a consulate to Paris. In classic nineteenth century fashion, the assassin had shouted, "I am a Stalwart and [Vice President Chester] Arthur is now president." Fortunately, patronage miscalculations were not usually fatal, but it was not until the turn of the century that presidents were able to free themselves from the demands of senators and their claims on executive patronage, what President Grover Cleveland called "the damned, everlasting clatter for office." Presidential independence was purchased at the expense of party organization, however, as patronage and rotation in office gave way to the civil service. Well over 90 percent of modern presidential nominations are for military officers.

By the Jacksonian period, the Senate had already been transformed from an aristocratic, executive-friendly body into a popularly oriented, relatively independent legislative chamber. The modern Senate is less invested in the vast majority of presidential appointments than was the nineteenth century Senate, but the modern Senate is deeply

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affected by its own electoral concerns and democratizing reforms. Not long after the Seventeenth Amendment made senators electorally accountable to the people at large, the Senate shifted most of its business, including confirmations, on to the public record and out of closed executive session. About the same time, Calvin Coolidge's choice for attorney general became the first presidential nominee to appear in person at a Senate confirmation hearing. Organized interests claiming to represent and be able to mobilize the electorate back home have been routine participants in the confirmation process since the early twentieth century. As politics became more volatile and parties even less crucial to electoral success in the 1960s, individual senators became more independent and powerful, further fragmenting the confirmation process. The recent era of divided government, and the increasing ideological polarization of the two parties, has exacerbated the tensions between the two major players in the appointments process. The Bush administration's decision to remove the American Bar Association from its privileged place in the judicial appointments process is indicative of the political complexities. The ABA once provided Dwight Eisenhower with some "quality control" for lower court appointments and to avoid the perceived cronyism and partisanship of his Democratic predecessors' selections for the bench. The ABA's influence has been in decline since the 1970s, however, and the perceived politicization of the ABA has made it less useful to either presidents or senators than it once was, especially for Republicans. Although Gerhardt does not give as much attention to these historical developments as he might, his consciousness of them usefully informs his thoughts on reform. Most of the difficulties with the current appointments process have deep roots. They will have to be managed, not eliminated.

THE PRESIDENT'S natural advantage within the appointments process may assure general success, but it does not assure smooth sailing. The constitutional requirement of confirmation creates ready opportunities for the Senate and individual senators to send a message to the president. Presidential nominees may suffer for the prior political sins of unpopular presidents. Presidents may also have to choose their battles. For some presidents — including Jackson, Franklin Roosevelt, and Ronald Reagan — appointments have been central to their agenda and a few heated confirmation struggles have been a price worth paying to alter the course of government. For others, the drain on their limited political resources seems too great to bear and appeasement may become the preferred strategy. Thus, a relatively easy confirmation became a central goal in the judicial selection processes of George Bush and Bill Clinton, sharply limiting the range of presidential discretion in choosing a nominee. Especially in recent years, presidential nominees may also get caught in the middle of a political payback, as partisans look to settle scores from earlier confirmation defeats. Even individual senators can use the confirmation process to extract concessions from presidents on matters both related to and far removed from the subject of the confirmation.

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The general presidential success in winning confirmation votes can also obscure the significance of Senate delays in acting on presidential nominations. Long delays are far more likely to kill a nomination than an unsuccessful floor vote. Long delays in confirming appointments can hamper an administration even when confirmation is eventually forthcoming. Quantitative studies suggest that ideological polarization in the Senate may be more significant than divided government itself in obstructing presidential nominations, though the effect is magnified when different parties control the Senate and the White House. The further apart the political extremes in the Senate are from the nominee, and from each other, the more reason they have to drag out the process. Both houses of Congress have become increasingly polarized, and the parties increasingly homogeneous, since the early 1970s. Judicial nominees, who have always been subject to close Senate scrutiny and ideological conflict, may feel the pressure particularly acutely. They are not alone, however, as confirmations have increasingly been contested across a range of nonjudicial appointments, with politically sensitive posts such as the Justice and Interior Departments drawing particular fire.

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The generally busier and more individualistic Senate of the modern era allows even small Senate minorities to delay appointments, for example through the practice of allowing individual senators to place indefinite holds on nominations. High-profile nominations can create the most heated confirmation battles, but the visibility of an office generally favors the president. There is greater pressure to fill high-level offices, and public attention necessitates that senators provide more publicly appealing explanations for opposing a nominee. By contrast, low-level appointments with less public visibility and fewer governing responsibilities can be more easily held hostage in the Senate. The longer an administration is in office, the longer the Senate can be expected to delay confirmations and, especially in the case of judges, the greater the chance of outright rejection.

Presidential organization in quickly nominating individuals to fill vacancies and presidential willingness to publicize nominations can be crucial to moving candidates through the process successfully, as President Clinton learned the hard way. Clinton quickly gained a reputation for not caring about appointments, and as a consequence the Senate was emboldened to resist his nominations. During his final years in office, as

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hostilities between Congress and the president grew and the president's attention was engaged elsewhere, senatorial confirmation of Clinton's judicial choices practically shut down. Confirmations only moved forward when, and as long as, the president and the chief justice publicized the standoff. The abbreviated transition period caused by the election controversy is now making itself felt, as George W. Bush is running behind even Bill Clinton's slow schedule of sending forward nominees to fill executive branch offices. As a consequence, it will require even greater attention and effort to ensure that those nominees are confirmed, and expeditiously.

Gerhardt has produced a serious and valuable book that nicely combines constitutional, historical, and political analysis to shed light on a subject that was in great need of such careful attention. In doing so, he captures the complexity of the process and the sources of our present discontents. He provides a careful analysis of the circumstances and conditions that gave rise to the current appointments process and the considerations and strategies that drive the actors in the process. As Gerhardt notes in conclusion, "reform or significant change is possible only if the major political actors have incentives for modifying the system." Despite all their complaining, those closest to the process have "a vested interest in the status quo" in part because the current process evolved to accommodate the various and conflicting needs of the many actors who participate in it. Messy confirmation battles are to be expected when a democratic government is combined with serious political disagreements.

China, Taken Personally

By Lloyd Macauley Richardson

Peter Hessler. *River Town: Two Years on the Yangtze.* HarperCollins. 402 pages. $26.00

Peter Hessler has written a fascinating and sobering book about his life in China. From 1996 to 1998, Hessler lived in a remote city in China's western province of Sichuan, a city where no Westerner has lived for half a century. In China with the Peace Corps, he taught English literature in a small provincial teacher's college located in Fuling, a city of some 200,000 souls. *River Town* is the journal he kept while in Fuling. Hessler is one of those rare people who, when confronted with a hostile cultural and linguistic environment, finds the courage to confront it, rather than retreating into self-imposed isolation. In time, Hessler comes to see himself not just as an observer, but as a participant in the society around him.

His persistence serves him well. As a participant, Hessler develops close rela-

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tionships with people from a broad cross-section of Fuling — the city's ordinary people as well as members of the college community. Less than 2 percent of the population of China has the opportunity to be educated beyond high school, and this book offers a rare opportunity to see things through the eyes of ordinary Chinese. Hessler paints intimate portraits of these people and their daily lives — the family that owns the restaurant near the college; the elderly men who frequent the local tea house; the artist; the Catholic priest; the bon vivant; the philanderer; Hessler's students and his Chinese language teachers; and the communist cadre who really run the college. Through Hessler's appreciation of the land and the people who inhabit it, a vivid and personal picture of rural China emerges.

In his role as observer, Hessler also astutely sees the people around him as individuals who have been shaped by social and political forces — the harsh reality of primitive agriculture with its economic hardships and deprivation; the weight of social tradition that still imposes rigid rules on personal behavior; and finally the brutality of communism's excesses. Hessler modestly asserts that his book is not about China but only about "a certain small part of China at a certain brief period of time." Modesty aside, Hessler has captured enduring truth; this is, in the end, very much a book about China.

There are innumerable Western books about China. Hessler's stands out. His goal is not to change China. He is not driven by the ideology or religion, or the military, engineering, or medical challenges that China has represented to many Westerners. Hessler has two passions — writing and studying Chinese. Hessler's language studies are critical to the success of the book. The better his Chinese gets, the more he comes to admire his subjects. The experience of the Chinese people in the twentieth century is almost unthinkable. Yet life goes on, and Hessler marvels at the toughness of the individuals he gets to know. At the same time, he comes to see how different he is from the people who surround him. Hessler finds himself reacting emotionally — and often negatively — to the Chinese worldview that confronts him. And this is the sobering aspect of the book.

When I first began the study of China and the Chinese language at the end of the 1960s (at the time as a university student, and later as a Foreign Service officer), people still referred to the interactions among states as "international relations," a term no longer in vogue. In that period, international relations, as a discipline, was firmly focused on power relations. The euphoria that had marked American foreign policy in the Wilsonian era had given way to the Depression, another World War, and the global confrontation with communism. Nearly 40 years of experience had convinced many observers that governments pursued their own interests at all costs, with little regard for broader moral consequences. But whose "interests" were at stake? For five and a half centuries, as the modern state developed, the term "interests" had been synonymous with the ambitions of government and the social groups that controlled the levers of these governments.

In the final decades of the twentieth

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century, as our concept of democracy became increasingly egalitarian, power politics became suspect as a way to analyze the relationships among states. Governments, after all, ostensibly act on behalf of the peoples they represent, so the ideals of those people must play a role in the calculation of national interest. For two centuries, the principal distinguishing characteristic of America had been democracy, so it was natural that the spread of democracy became a moral goal of U.S. foreign policy — a goal worthy of a great people. Many aspects of foreign policy during the Reagan administration were predicated on this goal. The fall of the Berlin Wall and the concomitant spread of democratic governments around the globe appeared to vindicate this approach to U.S. foreign policy.

But China's ascent to the world stage should give us pause. An unspoken assumption that underlies the U.S. commitment to the spread of democracy as the proper goal of its foreign policy is that there are no hostile peoples, only hostile governments. If change in a people's form of government can be accomplished — whether through external or internal pressures — then the resulting democracy will operate in harmony with other democracies, due to an alignment of interests. But what if societies are fated to compete for power abroad as surely as individuals compete for power within a society? And what if peoples have irreconcilable differences that make them natural competitors? Then a change in form of government would have little effect on relationships between two peoples. To understand the nature of the political relationship between those peoples, we would have to understand the differences between them — what we might call their national character. The past decade suggests that societies may be driven to compete as surely as governments. Communism collapsed in the Soviet Union, yet our experience since then with most of the peoples of the former Soviet Union has hardly been fruitful. China may be set to offer an even more dramatic example in the decades ahead.

What if societies are fated to compete for power abroad as surely as individuals compete for power at home? And what if peoples have irreconcilable differences that make them natural competitors?

Consider what Hessler describes. If the reader takes nothing else away from the book, he should be struck by China's rural character. This is not a nation of suburbs. One crude measure of economic development is the proportion of a country's population that works in agriculture. On this measure, 50 percent is thought to separate the haves from the have-nots. Some 75 percent of China's population still toils in agriculture. Moreover, from his own experience, Hessler notes that his students don't describe themselves and

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their families as farmers, but as peasants. This is not the great heartland of America, a place we still like to think of as peopled by rugged individualists working family farms. Rural China is hard to comprehend because it represents a society that we have not experienced in the West for literally hundreds of years.

A second feature of China that emerges clearly from the pages of Hessler's book is this: Notwithstanding 50 years of "continuing" revolution (and another 40 years of garden variety revolution before that), traditional society still weighs heavily on the countryside. The composition of social classes has changed, but the nature of social relationships has not — hierarchy and authority are still at the root of those relationships. Social rules are still rigid. Hessler says this is a society in transition, and there is little doubt that he is correct. But this is a society that has been in transition for more than a century, and certain things endure. Reform and opening since the early 1980s have had an impressive effect on the economy; society still lags far behind.

At the heart of Confucianism, as the orthodoxy of the traditional Chinese state came to be known, was the notion that all of human society could be expressed through a finite number of hierarchical relationships. Each relationship in turn imposed certain duties on, and granted certain rights to, the individuals in the relationship. Thus, these relationships were reciprocal, if not mutual. To say that an individual belonged in one of those roles was instantly to define his duties to the other person. Hence, Confucius taught that a proper definition of these relationships would bring about the desired behavior in individuals and, ultimately, in society as a whole.

As these relationships were refined over the course of 2,000 years, they became more rigid. The more rigid they became, the more they suffocated individual initiative. Population density and the resulting lack of privacy only heightened the pressure of these relationships. Hessler, for example, talks about running in his early months in Fuling as the only way he could find any measure of solitude, and he occasionally sees a humorous side to privacy issues as well. One of his friends is Ma Fulai, a married man who is an ardent, if unsuccessful, advocate of sexual liberation in a society where divorce is still frowned on, but extramarital relations are not. As a result, Ma Fulai has a girlfriend in addition to a wife, a fact that he would like to keep to himself. As Hessler reports the conversation:

> "My wife doesn't know, I'm certain of it. If I ever go anywhere with the girl, we go someplace where there aren't any other people."
>
> I wondered where in Fuling that might be, and I thought that I might like to go there myself sometime.

With this tradition, appreciation for the value of the individual has no historic foundation in China. While many Americans would agree that rampant individualism has been a mixed blessing here at home, Hessler describes a society that lacks all but the most utilitarian means of calculating individual worth. Certainly parental love abounds, and Chinese families want to

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have and love their children, but this is a family virtue, not a public virtue. In China, shame is still a powerful social tool. Dissent is rare not only because of government repression but because the would-be dissenter operates in an intellectual and psychological vacuum. In fact any sort of emotional or intellectual difference is rare. Hessler finds little evidence that any of the young people he teaches would ever have the will to criticize or resist the current government or its policies.

Social repression manifests itself in a particularly disturbing way in modern China. This is the only country in the world where the suicide rate for females is higher than for males. This is perhaps understandable in a male-dominated society. Hessler illustrates how men, especially younger men, seek to assert their importance through money and the control it gives them, however limited. Women cannot seek even this limited relief. The communists' brutal enforcement of birth control through their "one child" policy only exacerbates the problem.

Mobility may change China's society in time, as young people find their way to cities and escape the shackles of rural society. On the other hand, urban residents may escape the scrutiny of their families, but not of the government. Besides, there is a limit to how quickly China can urbanize, because of intense population pressure already existing in the cities. There is a newfound interest in religion in China as well, and it may provide some support to individuals seeking to assert themselves socially or politically. On the other hand, religions have traditionally effected little social or political change in China. None of this bodes well for the future.

A corollary to the social stability of rural China is the apathy of its peasants. Peasant rebellion was a fact of life in traditional China. Conditions in the countryside were always hard; when they got too hard, the peasants often rose in protest. Just as surely as these uprisings occurred, they were brutally suppressed. These rebellions became the stuff of legends, but had little practical impact. Over the centuries, the peasants came to believe that it was better to ignore politics than to be a part of it. Perhaps this sort of apathy is really a product of an instinct for survival.

This solid, yet politically inert mass is referred to in Chinese as the "Old Hundred Names," a reference to the folkloric belief that in ancient China, everybody belonged to one of only a hundred families, with a corresponding hundred surnames. There is an ethnic reference here as well; if you are "Old Hundred Names," you are a "true" Chinese or "Han" person — not one of the non-Chinese tribes that subsisted outside the core of China in ancient times. As non-Chinese, these people often had different family names. Many of these people were assimilated and became "true" Chinese in time, but the idea persists. Most important, however, to say you are one of the "Old Hundred Names" is a self-deprecating (but not pejorative) way to say that you are just a simple peasant, or commoner — someone who has no particular influence over his own life or the lives of others. Leave that for the educated or the rich.

By tradition, the "Old Hundred Names" focus on the elemental aspects of the human condition — food, cloth-

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ing, and shelter — and not politics. This is not entirely surprising in view of the deprivation inflicted on the countryside, not only in traditional China, but in the twentieth century. Communism has not changed the apathy of these people and may even have compounded it. As one of Hessler's sources says, "Many Americans think there are problems with human rights here. In fact, Old Hundred Names doesn't care about that." And elsewhere Hessler wryly observes that almost everybody in China claims to be "Old Hundred Names," having no idea about the way things work and therefore having no responsibility for anything. China's leading modern proponent of social and political change, Sun Yat-Sen, expressed the same frustration with the revolutionary potential of the Chinese people almost 100 years ago, calling them a pile of sand, unmotivated by ideas or principles and incapable of organizing themselves for any social or political action.

SOCIAL REPRESSION in China blends readily into political oppression, especially after 50 years of communism. The Chinese communists may have eliminated certain traditional classes that they viewed as feudal, but there is much about China's traditional feudal society that the Communist Party has found convenient to reinforce, particularly its authoritarian and hierarchical aspects, to the extent they help to suppress individualism and advance collectivism. Propaganda techniques have a long history in China, and the Chinese people are particularly susceptible. The emphasis on social relationships was only one example of what Confucius called the "rectification of names," that is, suppressing certain words and forcibly replacing them with others until the old ideas had been eradicated completely. In this way reality could in time be made to conform to theory.

Despite their current social and political situation and their recent past, however, the Chinese people are deeply patriotic. This must be clearly understood. They are proud of their history; proud of their long cultural heritage; proud of their economic progress over the past two decades; and even proud of their government. The communists have successfully taken credit for recent economic growth, largely by blaming the great leader, Chairman Mao, for the earlier disasters of communist economic policy — for which millions starved. Not that Mao doesn't deserve some of the blame, but he had plenty of help. The party has been equally successful, it appears, in washing its hands of the "excesses" that characterized social and political policy during communism's first 30 years — when millions of people were tortured and killed for the greater good. The result of the communists' successful revisionism is that the Chinese government today enjoys substantial latitude — if not enthusiastic support — in most policy matters, foreign policy included.

In foreign relations, the special nature of Chinese nationalism is pronounced. The Chinese people are deeply aware of their own identity. There are "we Chinese," and then there is the rest of the world. As Hessler says, "They seemed completely content in being Chinese, and they assumed that this feeling was shared by everybody else." China as a culture may vary from province to province, but what varies

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in China is less important than what is the same — history, customs, language, even appearance. Throughout its history, China has confronted competitors of a sort — the central Asian tribes existing at the periphery. Over the centuries, these tribes often succeeded in vanquishing the Chinese state. But what remained the same was more constant than what changed. So while these tribes may periodically have posed a military threat, they never represented serious competition to the Chinese way of life. Thus, splendid geographic isolation produced a sense of uniqueness, which in time became a sense of superiority.

China's handling of its domestic competitors is well illustrated by Hessler's travels within China. At the end of his first year in Fuling, he visits Xinjiang, home of the Uighurs, and starting point for the great inland trade routes that had linked Europe with East Asia for thousands of years. Hessler's visit comes not long after there had been "violence" in the northern part of the province, which had apparently included extensive Chinese bombing of the locals. The Uighurs are Turkish-speaking Muslims, and do not get along well with the Chinese in the best of circumstances. The Chinese for their part had only taken firm control of the province in 1949 and had been flooding into the province ever since, in search of job opportunities as well as Xinjiang's oil and other minerals. "Go West, young man," as the saying goes. In four decades, the ethnic Chinese population grew from 15 percent to 50 percent.

Hessler notes that even long-time Chinese residents in Xinjiang had not bothered to learn the local language, or much about local customs; instead, they were working hard to make Xinjiang as much like the rest of China as possible. As Hessler summarizes:

> [E]verything I had learned about the Chinese suggested that they would be particularly bad colonists. They tended to have strong ideas about race, they rarely respected religion, and they had trouble considering a non-Chinese point of view.

This is the Chinese identity forged over thousands of years, and nothing in their experience encourages a tolerance for what is different.

The Western onslaught in the mid-nineteenth century came as a profound shock to the Chinese identity. The forcible division and occupation of China that followed were viewed as a national humiliation. Two generations of reformers struggled to make the traditional system respond effectively to this disgrace. Things only got worse, and the imperial government was swept away in 1911. After a brief republican period, from 1911 to 1917, China's domestic situation settled into what can now be recognized as a typical pattern in the developing world — a power struggle between the military and the local communist party.

Numerous commentators have noted the irony that the Bolsheviks' urban revolutionary model proved to be more effective in developing countries than in the industrialized world. But this should have been no surprise. Developing countries are largely agrarian and traditional. As traditional societies collapse under the pressures of modernization, generally only two types of modern organization exist to

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supplant them — the military and the communists.

The military's inherent organizational capabilities often allow it to make the transition from the traditional to the modern setting. While communists have often been the newcomers, they have been successful when they put nationalism before ideology and focus on Leninist organizational methods, which have proved highly effective in times of social and political instability. China was no exception. During the 1920s and early 1930s, alternatives were driven from the field, and in the end, there were only two political survivors — Chiang Kaishek, who had successfully defeated his warlord competitors, and Mao Zedong, who was still struggling to validate the notion of a rural-based Communist Party.

In the past two centuries, the outside world has not been kind to the Chinese. This experience, when layered on the traditional Chinese identity, readily explains many of China's current attitudes.

During the 1930s and 1940s, the Chinese communists' embrace of nationalism proved to be an increasingly successful strategy, as China came under Japanese occupation. It was only after the communists successfully united the country in 1949 that they returned to their ideological roots. And the result was 30 years of starvation and anarchy. But what persisted through all this chaos is the Chinese identity — unique, superior, but burdened by shame. In these circumstances, foreign policy is a powerful unifying force and a ready distraction from China's lack of social and political progress.

Where foreign relations are concerned, Americans have been generally complacent about the Chinese desire to project power beyond their borders. After all, China's history has been remarkably introverted, and China has shown little interest in its relations with the outside world. But in the past two centuries, the outside world has not been kind to the Chinese. This experience, when layered on the traditional Chinese identity, readily explains many of China's current attitudes. While in the past, China lacked the material and military resources to respond as a nation to these perceived injustices, that situation is rapidly changing. If grievance-prone attitudes are an integral part of the Chinese national character, they will not change soon, even if a change of government occurs.

Hessler's experience repeatedly demonstrates that the Chinese still view the outside world with some trepidation, if not outright hostility. Consider the term "*waiguoren*," which Hessler uses throughout his book. This is the Chinese translation of "foreigner." The root of both the Chinese and English words is "outsider." In ancient Rome, it is easy to imagine the derisive use of

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this term to describe people and things from the periphery of the empire. In the West, however, the word "foreigner" has lately lost much of its sting. Arguably the exploding cultural diversity of the United States has driven much of this change of attitude. But while the West has changed, China has not. "Foreigner" is common usage, even to one's face. Typically, it is used in conjunction with "you," as in "you foreigners." Better acquaintances may upgrade that reference, lumping you together not with all foreigners, but with your countrymen, as in "you Americans." Still, this is an improvement over the nineteenth century, when Westerners were simply "barbarians."

Some of this lack of sensitivity is explained by the fact that foreigners are still unknown in much if not all of rural China. As a result, anyone who does not look Chinese is constantly the object of unwanted attention. Some of this is natural curiosity, but there is an ugly side to it as well. To quote Hessler:

> When I walked down the street, people constantly turned and shouted at me. Often they screamed *waiguoren* or *laowai*, both of which simply meant "foreigner." Again, these phrases often weren't intentionally insulting, but intentions mattered less and less with every day that these words were screamed at me. Another favorite was "hello," a meaningless, mocking version of the word that was strung out into a long "hah-loooo!"
>
> This word was so closely associated with foreigners that sometimes the people used it instead of *waiguoren* — they'd say, "Look, here come two hellos!" And often in Fuling they shouted other less innocent terms — *yangguizi*, or "foreign devil"; *da bizi*, "big nose" — although it wasn't until later that I understood what these phrases meant.

Shortly before Hessler's departure from China, there is a mob scene. Hessler and his American friend are out in the city filming particular scenes they want to remember. As usual, a large crowd gathers to observe the foreigners in action. Suddenly, with no apparent warning, a local couple starts yelling at them to stop filming. Incited by the yelling, the crowd quickly turns ugly, and the two Americans barely escape before the crowd does real damage to life and limb. Nor is this the only time in Hessler's experience that hostility to foreigners turns physical. These are isolated incidents, it is true; but in Hessler's view they reflect not just hostility, but fear — fear of what is unknown and different.

One of the families that befriends Hessler, the Huangs, runs a small noodle restaurant across from the main gate of the college. Chinese New Year (typically in February) is China's longest and most significant holiday celebration, and people tend to spend the holidays with family. It is a particularly hard time for foreigners living in China, without family to share the festivities, and the sense of isolation can be acute. His second year in Fuling, Hessler is invited to the Huangs to share the New Year's Eve dinner, a real honor. The only problem is that the Huangs have a two-year-old son who has never liked the looks of Hessler, even in the restaurant. Hessler's appear-

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ance is simply too — well, foreign — for the child. When Hessler shows up at the Huang's home for dinner, the child is suitably traumatized and spends an hour howling in the bedroom. Eventually things settle down, but the event is not lost on Mrs. Huang, who takes Hessler aside later in the evening to ask him how he has managed all this time to put up with the incessant attention and often rudeness to which he has been subjected as a foreigner in China. As Hessler reports, after the conversation:

> I said nothing about how in the child's fear I had seen a reflection of all the difficulties I had ever encountered in Fuling, the people's uncertainty about things new and strange. It was . . . an instinct as blameless as a child's. . . . There was a great deal of generosity in [the Huangs] having me over for dinner. They had known that the child would cry and possibly offend me, but they had invited me anyway. . . . [Mrs. Huang] and her family hadn't invited me in order to make a point about xenophobia, or anything like that. They knew that I was alone on the holiday, and I was their friend; nothing else mattered. They were simply big-hearted people and that was the best meal I ever had in China.

At another point, discussing the beginning of his second year in Fuling, Hessler observes:

> It was the same paradox that I had realized during the summer — the Chinese could be hard on foreigners, but at the same time they could be incredibly patient, generous, and curious about where you had come from.

There is another aspect of Chinese patriotism that we seem inclined to forget. The Chinese as a people are not like so many giant pandas, soft and cute; they are tough. They have had to be. As noted, theirs is an almost unthinkable modern history. They have paid the ultimate sacrifice — again, again, and again. Even if they could forget this history, the communist government has made it a part of the popular consciousness, so we should expect little change in the way the Chinese people view that sacrifice.

The personal histories Hessler has compiled testify to the toughness of these people. Hessler recounts numerous examples of individuals who have lost grandparents, parents, and other family members — some in the great famines resulting from fatuous communist economic policy, others to the needless tortures of the Cultural Revolution and earlier efforts to root out the evils of feudalism. Countless others were forced to *xiafang,* the practice of sending the educated and other "bad classes" to the countryside to engage in manual labor. Never in human history has there been a willful squandering of human lives on such a vast scale. The work was hard, and, by design, served no purpose. Those who survived commonly reported that "the wasted time was the worst part."

There is, then, much about Chinese nationalism that smacks of xenophobia. Like "international relations," xenophobia is a term that is no longer in vogue. The scholarly community in

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the United States has fought long and hard — and successfully — to abolish the use of this term as applied to China: another myth about China dispelled. But what if this hopelessly old-fashioned word describes reality?

Hessler goes to great lengths to report the positive attributes of the people he encounters and the many acts of generosity and kindness directed at him by his Chinese friends and acquaintances, and even total strangers. As a traditional society, these impulses are deeply embedded in China's social fabric. Anyone who has spent time in a Chinese society will confirm Hessler's view. If Chinese society demonstrates anything, however, it is that a society is something more than the sum of its parts. In matters of foreign policy, we are forced to deal with the Chinese as a society, and as a government. At this level, national character is real, and it matters. If U.S. foreign policy toward China is to be successful, we must understand the Chinese people and their ambitions. China's government and its policies may change, but the people will remain. China's history proves that national character is palpable and enduring. Hessler does a remarkable job of describing that character. As the Chinese say, "It is easy to move rivers and mountains, but hard to change a person's nature." Where China is concerned, we should plan to deal with this nature for a long time to come.

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LETTERS

Is Pornography A Problem?

SIR, — Regarding Holman W. Jenkins Jr.'s "Pornography, Main Street to Wall Street" (February/March 2001), let me offer some real-world corroboration that something is terribly wrong. I just quit working at an excellent boutique video store. One of the reasons I had to quit was the porn room. I could no longer stand participating in what I call the "caligulafication of America." Easy access to the most degenerate forms of pornography is turning regular men into their own private decadent Roman emperor.

And it *is* becoming increasingly degenerate — in the four years I worked at the store, it has gone from an emphasis on incredibly beautiful pneumatic blondes to freaks — i.e., midgets, fatties, and "trannies." There is also a lot of "humiliation" porn — it is very popular. On the gay side of the room, I will not even tell you how young the boys of the "18 today" series from the Czech Republic look. You would throw up. Nice family men come in and rent three or four a day.

DANA ADLER
Philadelphia, Pa.

SIR, — Jenkins seems to imply that there is something wrong with pornography, and yet he does not make the argument explicitly. So we are left to wonder what exactly is wrong with it? Does he object merely because he perceives it as immoral? Why does he think his personal objections, even if they are widely held, are relevant to public policy?

I suppose what troubles me about this article is not that Jenkins is offended by pornography. This is quite common. What troubles me is his presumption that thinking people will agree with him, agree without reading even the shortest explanatory preface to his indignation.

Especially curious is an indignation triggered by the extraordinarily private behavior of viewing images on a computer screen. I find it difficult to make the logical connection between this private (and thus presumably protected) behavior and community obscenity standards. The whole notion of community standards springs from court cases involving public places such as movie theatres, bookstores, and sex shops. Internet porn bypasses these. One cannot know the source nor the destination of the images. Hence it's hard for me to see the state interest.

Unless, of course, Jenkins sees a state interest simply in mitigating the perceived immorality of pornography, or in preempting the "social pathology" he thinks it will likely engender. It is not clear whether this pathology will result from the making of the material (affecting the participants) or in the viewing of the material (thus affecting the observer). In fact, it is not clear exactly what forms he thinks this pathology will take.

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He mentions, "being disgraced, arrested, or fired because of the discovery of a cache of porn," but here, it seems to me, the damage results not from the behavior but from the poor fellow's associates. Then Jenkins resurrects the so-called "gateway" rationale so often used against marijuana, i.e. marijuana may not be inherently harmful, but a small segment of users go on to use hard drugs. Substitute pornography as "gateway" and sexual addiction as "result" and you have Jenkins's argument. However, one could find many precursors to a variety of calamitous "results" — match orange juice to car accidents or chocolate to having a strange obsession with Ava Gardner — there's just no way of proving a causal link.

Given the increasing demand for porn products, the volume and ubiquity of it, I cannot help but wonder if what we at first view as social pathology will not soon emerge as a social norm. In fact, I wonder if the demand for erotic material has always been present, but, like the demand for cupholders in cars, it lay unrecognized and dormant until they became widely available. If acceptance of pornography does emerge as a social norm, I hope that the porn-loving majority remembers to show a tolerance for Mr. Jenkins's aversion, lest he be viewed as socially pathological.

BOB WHITE
Danbury, Conn.

SIR, — I feel conservatives should tread lightly when it comes to the subject of sex. A sure-fire way to lose elections is to be tagged as a judgmental prude. Look at the Clinton impeachment. Two of the most reviled men in the American morality scene were Anthony Comstock, who in the nineteenth century was a special agent for the New York Society for the Suppression of Vice and as such called George Bernard Shaw an "Irish smut dealer," and Will Hays, who in the early twentieth century censored our movies.

Jenkins tries to distinguish between hard-core violence and hard-core pornography. I do not buy it. Both are fantasies. If, as the author states, the typical porn customer is a reasonably educated affluent male in his late 30s or early 40s, then he is not going to go out and ravish some fair damsel after watching a porn movie. Most people will realize that porn is a waste of time and money. Of course, one can become obsessed with porn just as one can become obsessed with gambling, drinking, watching TV, or shopping (as PBS recently indicated of Mary Todd Lincoln). Conservatives take enough abuse without being labeled spoilsports or bluenoses. Let's take some of that energy used on worrying about porn and use it to enact tort reform or repeal the Davis-Bacon Act.

BOB RUTSCHOW
Charlottesville, Va.

THE AUTHOR REPLIES,

Mr. Adler's letter provides new intelligence from the retail level of the expanding porn sector, including the growing tendency to satisfy what might be called niche tastes. Yet Mr. White is correct in noting that a fiery denunciation of porn is missing from my article, and Mr. Rutschow puts his finger on why. My goal, believe it or not, simply was to point out that the accessibility and diversity of the porn material now

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becoming available represents something new. Stopping it probably is impossible and emphasizing it too heavily is likely to rebound on conservatives in the form of unflattering stereotypes. Yet social consequences are bound to flow from the ubiquity of increasingly fetishistic erotic material, and I doubt many of them are good. One can be troubled by something even if one can't stamp it out, and one can hope that if the majority feels the same way at least porn consumption won't become a "social norm."

HOLMAN W. JENKINS JR.
New York

LETTERS TO THE EDITOR

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